

ESTTA Tracking number: **ESTTA714442**Filing date: **12/14/2015**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91210813
Party	Defendant Mike Ghorbani
Correspondence Address	PAYAM MORADIAN MORADIAN LAW 10880 WILSHIRE BLVD, SUITE 1101 LOS ANGELS, CA 90024 UNITED STATES sepehr@daghighian.com, P@moradianlaw.com
Submission	Defendant's Notice of Reliance
Filer's Name	Payam Moradian
Filer's e-mail	p@moradianlaw.com
Signature	/Payam moradian/
Date	12/14/2015
Attachments	Notice_of_reliance_Filed_12_14_15_R.pdf(996182 bytes ) Exhibit_1_Expert_Report.pdf(4854542 bytes ) Exhibit_2_Admissions_2.pdf(4182763 bytes ) Exhibit_4_Rog_First_Set_Redacted_R.pdf(2071547 bytes ) Exhibit_6_Sata_539_550.pdf(1778518 bytes ) Exhibit_5_RFP1_R.pdf(1260010 bytes ) Exhibit_7_Sata_487.pdf(132060 bytes ) Exhibit_8_S_482.pdf(215131 bytes ) Exhibit_9_S_480_481_R.pdf(1940485 bytes ) Exhibit_10_MGD_21_25.pdf(3572084 bytes ) Exhibit_12_MGD000069.pdf(2481219 bytes ) Exhibit_13_MGD234_263_Wiki_Europe_R.pdf(1487076 bytes ) Exhibit_14_MGD275_277_Forbes_Taiwan.pdf(959179 bytes ) Exhibit_15_MGD280_315_Wiki_Taiwan.pdf(2474249 bytes ) Exhibit_16_MGD372_373_Currency.pdf(563838 bytes ) Exhibit_17_MGD374_378_Taiwan_pneumatic.pdf(1239088 bytes ) Exhibit_18_MGD552_555_Sata_Taiwan.pdf(585324 bytes ) Exhibit_19_MGD403_Redacted.pdf(625628 bytes ) Exhibit_20_MGD395_redacted.pdf(626870 bytes ) Exhibit_21_S496_S497.pdf(534313 bytes ) Exhibit_22_Peugeot.pdf(388387 bytes ) Exhibit_23_Yugo.pdf(1239552 bytes ) Exhibit_24_VW.pdf(4991614 bytes ) Exhibit_25_MGD65.pdf(2790091 bytes ) Exhibit_27_Rog_2.pdf(5701314 bytes ) Exhibit_28_RFP_2.pdf(5593615 bytes ) Exhibit_3_Admissions_1_R.pdf(897827 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

SATA GmbH & Co. KG,	)	
	)	
	)	
Opposer/Petitioner,	)	
	)	Consolidated
v.	)	Opposition No. <b>91210813</b>
	)	
Mike Ghorbani,	)	Opposition No. 91217915
	)	
Applicant/ Registrant.	)	Cancellation No. 92059849
_____	)	

**APPLICANT/REGISTRANT'S NOTICE OF RELIANCE**

Pursuant to Stipulation duly entered into by Opposer/Petitioner, SATA GmbH & Co. KG (SATA) and Applicant/Registrant, Mike Ghorbani (Ghorbani or MG Distributor), such Stipulation having been filed with the Trademark Trial and Appeal Board on October 10, 2015, the parties have agreed that documents that they have produced to the other pursuant to Fed. R. Civ. Pro. 34, in these Consolidated proceedings may be made of record in this Opposition proceeding and be considered as being authentic and genuine. The Board has approved the parties' stipulation.

Pursuant to the parties' stipulation. the Board has approved the submission of the expert report of Ghorbani's expert in a Notice of Reliance. [Paper No. 32].

Applicant/Registrant Ghorbani hereby makes of record the following documents produced in this matter, along with various printed publications, website references, expert report, official records and discovery Answers and Responses, in accordance with TBMP §§ 704 and 705.

Exhibit No.	Description	Bates #
1	<p>Expert Report of Michael Demarco in Support of Applicant Mike Ghorbani, in which Mr. Demarco opines that:</p> <ol style="list-style-type: none"> <li>1. The primary significance of Euro is not a generally known geographic location;</li> <li>2. Purchasers would not likely believe that the goods originate from Europe</li> <li>3. Any misrepresentations in not a material factor in the consumer's decision to buy the goods</li> </ol> <p>Mr. Demarco particularly opines that purchasers of spray guns are sophisticated professionals who first obtain a sample for testing, and then make a purchase based on numerous technical specifications of the spray guns.</p>	
2	<p>Ghorbani's Second Set of Requests for Admissions (Nos. 20-24) and Sata's Answers to same. Believed especially pertinent are the Admissions to the following Admissions:</p> <p><b>Admission 23 (first).</b> Sata states in its admission that Applicant's mark has nothing to do with Germany. Relevant for showing that to the extent the consumer has a bias for German made spray guns, the Applicant's brand name (which "has nothing to do with Germany") would not influence such consumer.</p> <p><b>Admission 23 (second).</b> Sata admits that at least one country in Europe is not perceived by consumers as a location for manufacture of paint spray guns. Relevant for showing that the Applicant's mark, Euro, even if found descriptive, the mark is not a material factor in the consumer's decision to buy the goods since Europe as a whole is not perceived by consumers as a location for manufacture of paint spray guns.</p> <p><b>Admission 24.</b> Sata admits that at least five countries in Europe are not perceived by consumers as a location for manufacture of paint spray guns. Relevant for the same reasons as Admission 23 (second).</p>	
3	<p>Ghorbani's First Set of Requests for Admissions (Nos. 1-19) and Sata's Answers to same. Believed especially pertinent are the Admissions to the following Requests:</p> <p><b>Admission No. 4:</b> Sata fails to identify any documents showing a consumer believed that the Applicant's goods originated from Europe. Relevant for showing lack of deception.</p>	

	<p><b>Admission No. 5:</b> Sata admits that Europe consists of over 40 countries (Germany being only one country in a group of over 40 countries). Relevant for the same reasons as Admission 23 (second).</p> <p><b>Admission No. 12:</b> Sata Admits that is has not produced a single document where it goods are designated with "Made in Europe" or "European Engineered." Relevant for showing that the consumer has no appreciation for "Made in Europe" or "European Engineered" spray guns, and at most any such appreciation is limited to Germany.</p> <p><b>Admission No. 13.</b> Sata Admits that it labels its spray guns with "Made in Germany" or "German engineering." Relevant for the same reason as Admission No. 12.</p> <p><b>Admission No. 17:</b> Sata Admits that Kosovo (A European country) is not perceived by consumers as a location for manufacture of paint spray guns. Relevant for the same reasons as Admission 23 (second).</p> <p><b>Admission No. 18:</b> Sata Admits that Belarus (A European country)is not perceived by consumers as a location for manufacture of paint spray guns. Relevant for the same reasons as Admission 23 (second).</p> <p><b>Admission No. 19:</b> Sata admits that at least one component of one or more of the spray guns are manufactured in Europe outside of Germany. Yet Sata fails to label its spray guns as "Made in Europe." Relevant for the same reason as Admission No. 12.</p>	
<p>4 <b>Confidential Exhibit</b></p>	<p>Ghorbani's First Set of Interrogatories and Sata's Answers and supplemental Answers to same. Believed especially pertinent are the Answers to the following Interrogatories:</p> <p><b>Interrogatory 1.</b> Sata first became aware of the products offered by M.G. Distributor as a result of Sata visiting the M.G. Distributor's booth at the SEMA Show 2012. Relevant for Sata not becoming aware of Ghorbani as a result of consumer confusion; relevant for lack of deception.</p> <p><b>Interrogatory No. 8.</b> The market and relevant consumers include those involved in auto refinishing, carpentry and various activities involving glazing, staining, and painting of</p>	



	<p>wood. Relevant for showing that the consumers of spray guns are sophisticated professionals.</p> <p><b>Interrogatory No. 9.</b> Sata names its competitors, which include American and Japanese companies. Relevant to show that spray guns are manufactured by numerous companies outside of Europe and Germany.</p> <p><b>Interrogatory Nos. 10, 16, and 18.</b> The evidence offered by Sata that the Euro branded guns are allegedly inferior is a comparison test performed by Sata, and provided in S0480-S0481. The comparison test actually shows that the two guns perform the same. Relevant for showing that Sata branded and Euro branded spray guns have the same spray pattern and that Euro branded gun is not inferior in quality or performance.</p> <p><b>Interrogatory Nos. 13, 20:</b> Sata does not know of an instance where a consumer was under the false impression that a Euro branded gun originated from Europe. Sata only provides a hearsay vague answer “upon information and belief.” Relevant for showing that consumers are not confused or deceived as to the origin of Euro branded guns.</p> <p><b>Interrogatory No. 19:</b> Sata admits that parts of its spray guns are made in Italy and not Germany. Relevant for showing that Sata markets its products only as German Made, and not European made, despite its spray gun components being made in different European countries. Relevant for the same reason as Admission No. 12.</p>	
5	<p>Ghorbani’s first request for the production of documents and things and Sata's Responses to same. Believed especially pertinent are the Answers to the following Requests:</p> <p><b>Request No.9:</b> Sata has no documents regarding actual confusion between Euro branded and Sata branded spray guns. Relevant for showing that no consumer confusion or deception exists as to the origin of Euro branded spray guns.</p> <p><b>Request No. 12:</b> Sata only provides documents S 0480 - S 0481 as evidence for showing that Euro branded guns are inferior. Relevant for showing that Euro branded guns are not inferior since these</p>	

	<p>documents show that the two guns perform the same.</p> <p><b>Request No. 15:</b> Sata states that its spray guns are manufactured in Germany or in other European countries. Relevant for showing that Sata does not label its spray guns as “Made in Europe” despite its spray guns being manufactured outside of Germany. Relevant for the same reason as Admission No. 12.</p> <p><b>Request No. 16:</b> Sata has no document of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. was believed to be from Europe. Relevant for showing no confusion or deception exists as to the origin of Euro branded spray guns.</p> <p><b>Request No. 21:</b> Sata does not have any packaging or advertising relating to Sata’s products being labeled or advertised as "Europe Engineered," "European Engineered," or "made in Europe." The documents identified by Sata, S 0539-S 0550, lack any such designation. Relevant for showing that Sata only markets its spray guns as “made in Germany, and not “made in Europe, despite its guns containing components from multiple European countries. Relevant for the same reason as Admission No. 12.</p>	
6	Sata’s advertisement of its spray guns. Relevant for showing that Sata’s products are labeled with German engineering and not European engineering or made in Europe. Further relevant to rebut Sata’s response to Document Request 21 that these documents are labeled with "Europe Engineered," "European Engineered," or "made in Europe."	S539-550
7	History of Sata. Relevant to show that fake Sata spray guns are manufactured in Turkey, a European country.	S487
8	Sata advertising. Relevant for Sata referring to purchasers of spray guns as “professionals” who buy spray guns based on technical criteria.	S482
9	Comparison performed by Sata between Euro and Sata branded spray guns. Relevant for the comparison not showing that the Euro and Sata branded perform differently, and further relevant in highlighting that importance of performance and technical specifications in purchasing decisions in this industry.	S480-481
10	Materials relied on by Applicant’s expert.	MGD21-25

11	Manufacture of spray guns and related equipment by Anest Iwata in Japan and Taiwan. Relevant for establishing that a major manufacturer of spray guns with a commanding market share in the United States manufactures its spray guns and equipment in Japan and Taiwan.	MG23-25
12	Marketing material for a third party spray gun. Relevant for showing the technical details that a purchaser relies on for purchasing a spray gun, and further relevant for showing that the spray patterns of the Euro branded and Sata branded spray guns are the same.	MGD69.
13	Wikipedia page on Europe. Relevant for showing the Europe consists of approximately 50 countries, with different industries and economies, of which Germany is only a single country. Any alleged preference that a purchaser may have for "German Engineering," does not extend to the other 50 countries that make up Europe.	MGD234-263
14	Forbes article on "Made in Taiwan." Relevant for showing that Taiwan is known for manufacturing of high quality products, and is no longer a "low-end manufacturer."	MGD275-277
15	Wikipedia status of Taiwan. Relevant to rebut Sata's position that Taiwan (Where Applicant's goods are manufactured) is the same country as China.	MGD280-315
16	European Commission page on the Euro.. Relevant for showing that Euro is a unit of currency.	MGD372-373
17	Article on Taiwanese Pneumatic Tool Suppliers. Relevant for showing that Taiwanese Pneumatic Tools have a "reputation for quality and competitive pricing, particularly among end-users in the U.S. and Europe."	MGD374-378
18	Sata sunglasses manufactured in Taiwan and labeled with CE. Relevant for showing that Sata has no issue with manufacturing goods in Taiwan and associating its name with Taiwan, and labeling its Taiwanese made goods with CE, which is a mandatory conformity marking for certain products sold within the European Economic Area.	MGD552-555
19 <b>Confidential Exhibit</b>	An email from a Euro branded gun customer. Relevant for showing the sophistication of the purchaser who is comparing the performance and price of the Euro branded gun with that of a Sata branded gun. The purchaser is in no way confused or deceived as to the origin of the Euro branded gun..	MGD403
20 <b>Confidential Exhibit</b>	An email from a Euro branded gun customer. Relevant for showing the sophistication of the purchaser who is comparing the performance and price of the Euro branded gun with that of other guns. The purchaser is in no way confused or deceived as to the origin of the Euro branded gun. The email is further relevant since it demonstrates a purchaser first testing the performance of a spray gun with a sample and then	MGD395



	after testing the spray gun making a purchasing decision.	
21	An article about spray gun performance. Relevant for showing the sophistication of a purchaser who performs multiple steps of preparation before painting a car, and further relevant in demonstrating that performance is a key criteria to the purchaser.	S0496
22	An article detailing Peugeot's and other European car manufacturers' failure in America. Relevant to show that purchaser's in America do not have a particular preference for European manufactured goods, and actually prefer American and Asian manufactured goods over European goods.	
23	An article discussing whether the Yugo was the worst car ever. Relevant for showing that purchasers in America do not have a particular preference for European manufactured goods, and further relevant to show the big difference in quality of manufactured goods from one European country to another.	
24	An article discussing Volkswagen's failure in America (before the emissions scandal). Relevant for showing that purchasers in America do not have a particular preference for "German Engineering" manufactured products.	
25	Advertising for Euro branded spray guns. Relevant for showing that spray guns are advertised based on technical criteria to sophisticated purchasers.	
26	Materials relied on by Applicant's expert.	MGD26-57.
27	Ghorbani's Second Set of Interrogatories and Sata's Answers to same. Believed especially pertinent are the Answers to the following Interrogatories:  <b>Interrogatory 28:</b> Sata states that it labels its "spray guns "as made in Germany because they are made in Germany. Relevant for showing that Sata limits its labeling of its products to Germany (and not Europe), despite stating in response to Document Request 15 that Sata manufactures it pray guns in Germany or other European countries.	
28	Ghorbani's first request for the production of documents and things and Sata's Responses to same. Believed especially pertinent are the Answers to the following Requests:  <b>Request No. 23:</b> No mention of Germany or Europe is made on the actual Sata spray gun. Relevant for showing that the country origin of a spray gun is not an important factor in making a purchasing decision.	

29	Various advertisements from Sata (and/or its exclusive USA distributor Dan-Am Co.). Many of the advertisements do not even mention Germany. Many of the advertisements mention the spray guns being EPA (environmental Protection Agency) approved and compliant. Relevant for showing that spray guns are marketed primarily based on technical specification. Further relevant for showing the sophistication of the typical purchaser of a spray gun who makes purchasing decisions based on EPA regulations.	S0620, S0700, S0701, S0722, S0724, S0728, S0730, S0733, S0647, S0649, S0650, S0657, S0763, S0778, S0780.
30	An article comparing performance of spray guns from different manufacturers. Relevant for showing that spray guns are compared based on performance, and that no mention is made to the country of origin when doing a comparison.	S0674-675
31	A page of an article showing a spray gun user in action. Relevant for showing sophistication of the spray gun user/purchaser.	S0658
32	An advertisement from Dan-Am Company, Sata's exclusive USA distributor, in which Dan-Am states that it "has trained thousands of painters" in various classes. Relevant for showing the sophisticated purchaser who has to take classes and undergo training to use a spray gun.	S0742
33	An article detailing EPA and NESHAP 6H regulations. Relevant for showing that the spray gun industry is highly regulated, and the purchaser/user is a sophisticated purchaser who makes purchasing decisions based on government regulation.	
34	A website post stating that "HVLP spray gun can easily be out of compliance and that the painters must take special care not to turn up the atomizing air pressure too high." Relevant for showing that the spray gun industry is highly regulated, and that the users of spray guns have intimate knowledge of their spray guns, and are unlikely to be deceived or confused as to the origin of a spray gun.	

Date: 12/14/2015

By: 

Payam Moradian, Esquire  
Keleti + Moradian LLP  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024  
Attorneys for Applicant/Registrant

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been on December 14, 2015  
duly served by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854.

By: /Payam Moradian/  
Payam Moradian



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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SATA GmbH & Co. KG

Opposer

v.

Mike Ghorbani

Applicant

)

) Mark: EURO & Design

) Serial No.: 85/712789

) Opposition No. 91/210813

)  
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**EXPERT REPORT OF MICHAEL DEMARCO IN SUPPORT OF APPLICANT MIKE  
GHORBANI**

**A. Qualifications**

My name is Michael Demarco. I am a resident of El Monte, California. I have seventeen years of experience in purchasing, selling, and repairing HVLP (High Volume Low Pressure) paint spray guns and their accessories. I am a buyer of HVLP spray guns and their accessories in volume for the company I work for and then I sell them to retail customers. Among the brands that I have distributed include HVLP spray guns and related accessories sold under the names Sata and Euro. I have also repaired HVLP spray guns and related accessories sold under the names Sata and Euro, and other brands. I have a high school diploma.

**B. Publications**

I have no publications authored in the previous 10 years.

**C. Previous Testimony**

I have not testified as an expert at trial or by deposition during the previous 4 years.

**D. Compensation**

I am receiving no compensation for the study and testimony in the case. My testimony is not contingent on the outcome of this case.

**E. Materials Considered**

Application Serial No.: 85/712789.

Complaint (Notice Of Opposition) filed by SATA GmbH & Co. KG.

Answer Filed by Mike Ghorbani.

Document Bates #s MGD000021 to MGD000057.

My 17 years of experience as a distributor and repairer of HVLP spray guns and their related accessories.

Conversation with Mike Ghorbani.

**F. Opinions**

I have been advised by counsel for Mike Ghorbani that Opposer SATA GmbH & Co. KG has brought this opposition proceeding against Mike Ghorbani regarding his Mark for Euro and design, which has Serial No.: 85/712789. Serial No.: 85/712789 claims the following trademark:



for the following goods: "Powered and pneumatic tools for automotive finishing, namely, paint spray guns, replacement cups for spray guns, compressed air filters for paint spray guns, air filters for paint spray guns, accessories for spray guns in the nature of adaptors, cups, collars, lids, and liners; pneumatic ratchets, pneumatic sanders, pneumatic grinders, pneumatic air control units in the nature of air regulators for pneumatic tools, pneumatic drills for automotive purposes, pneumatic riveters in the nature of rivet hammers, rivet guns, and air pop riveters, and accessories for pneumatic tools used in automotive finishing in the nature of air reels and air regulators."

I have been advised by counsel that Opposer SATA GmbH & Co. has argued that the Mark Euro and design is geographically descriptive or misdescriptive. I have been requested by counsel to provide my opinions as to the geographic descriptive or misdescriptive nature of the Mark Euro and design, which I understand, based on my conversations with counsel, depend on the following factors:

#### Geographically Descriptive Marks

- (1) the primary significance of the mark is a generally known geographic location;
- (2) the goods or services originate in the place identified in the mark; and
- (3) purchasers would be likely to believe that the goods or services originate in the geographic place identified in the mark.

#### Geographically Deceptively Misdescriptive Marks

- (1) the primary significance of the mark is a generally known geographic location
- (2) the goods or services do not originate in the place identified in the mark;
- (3) purchasers would be likely to believe that the goods or services originate in the geographic place identified in the mark; and

(4) the misrepresentation is a material factor in the consumer's decision to buy the goods or use the services.

**1. The primary significance of the mark is a not a generally known geographic location.**

In my opinion, the primary significance of the Mark "Euro" is a unit of currency, which is not a geographic location. For a consumer to associate the mark Euro with Europe, first the consumer has to make a leap that "Euro" means "Europe." Since "Euro" by itself is a unit of currency and no leap is required, it is my opinion that the primary significance of the term "Euro" is a unit of currency and not a geographic location.

**2. The Goods Do Not Originate in the Place Identified in the Mark.**

Based on my conversations with Mike Ghorbani, HVLP spray guns and related accessories sold under the name Euro are not manufactured, engineered, or sold in Europe, and do not originate from Europe.

**3. Purchasers would not be likely to believe that the goods originate in the geographic place identified in the mark.**

In my opinion, purchasers are not likely to believe that the goods and services originate from Europe. With HVLP spray guns and related accessories, the products are sold as originating from a particular country, and not a region. In my opinion, a purchaser is unlikely to associate the Mark Euro with a product that is manufactured in Europe. In my opinion, the mark Euro serves only as a trademark to a consumer, and not the place where the goods originated from. A consumer would look for the "made in" label on a package or even the spray gun itself to determine where the HVLP gun originated from, and would not rely on the trademark Euro.



Furthermore, for a purchaser to associate the Mark Euro with Europe, the purchaser has to first make the association that Euro is a shorthand for Europe. In my 17 years as a distributor of HVLP guns and related accessories, I have not seen a product's place of origin be labeled with a shorthand. For example, I have not seen "Made in Germ" instead of "Made in Germany" or "Made in Chi" instead of "Made in China." In my opinion, consumers do not associate a shorthand with a place of origin because HVLP spray guns and accessories are not typically labeled to be made from a particular location with use of a shorthand.

In my opinion, the consumer of HVLP guns and related accessories is a sophisticated consumer who is unlikely to believe that the goods originate in the geographic place identified in the mark. A distributor such as myself purchases the spray guns from one or more manufacturers (or other distributors) and distributes the spray guns to consumers. The customers of HVLP guns are typically auto body shops who regularly paint cars with HVLP guns. In my opinion, these customers regularly purchase and use HVLP guns and their accessories, and are intimately familiar with these spray guns and are not likely to believe that the goods originate from Europe. Painting an automobile requires a set-up, including pressurized air for the HVLP spray guns, air ventilation, multiple applications of a primer, sanding, cleaning, and masking. In my opinion, a person who can perform all these steps is a sophisticated consumer who readily understands the quality and the origin of the equipment that he or she is using.

In my opinion, the custom in the industry also precludes any mistaken belief by the consumer. When spray guns are sold, typically a sample provided by the manufacturer is given to a consumer. The consumer takes the sample and paints an object (a car), and then decides that the spray gun is suitable for his or her needs. The consumers like to try a sample and examine it carefully before making a purchase by putting the spray gun into action. In my opinion, the

sophisticated consumer who first tries a spray gun and related accessories before making a purchase is unlikely to believe that the goods originate in the geographic place identified in the mark.

My opinion that a purchaser would not be likely to believe that the goods originate in Europe is further supported based on my own experience. I have been distributing spray guns and accessories sold under the name Euro for the past four years. During this time frame, I have not come across a single case where one of my buyers believed that the spray guns sold under the name Euro actually originated from Europe. It is my opinion that the Mark Euro does not create confusion as to the origin of the goods.

**4. Any misrepresentation is not a material factor in the consumer's decision to buy the goods**

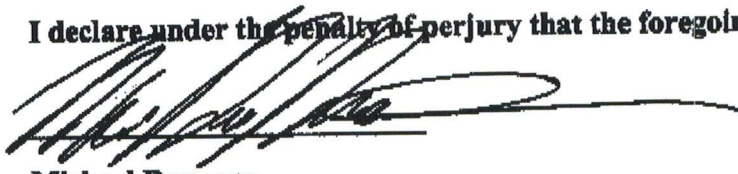
In my opinion, any misrepresentation would not be a material factor in the consumer's decision to buy goods. I have repaired a variety of HVLP spray guns, including those sold under the name Sata and Euro, and spray guns originating from Europe, USA, and Asia. In my opinion, consumers of spray guns and related accessories make a purchase based on performance of the spray gun and not the location of manufacture. When spray guns are sold, typically a sample provided by the manufacturer is given to a consumer. The consumer takes the sample and paints an object (a car), and then decides that the spray gun is suitable for his or her needs. The consumers like to try a sample and examine it carefully before making a purchase by putting the spray gun into action. In my opinion, the most important aspect of a purchase to a consumer is performance, and not place of manufacture of a gun.



In my opinion, there is no association in the mind of a consumer between HVLP guns (and related accessories) and Europe. For example, two well known manufacturers of spray guns are Anest Iwata and Devilbiss, which are Japanese and American companies respectively. As evidenced by Documents MGD000021 to MGD000057, spray guns from numerous manufacturers are made outside of Europe. The lack of association in the mind of a consumer between HVLP spray guns (and related accessories) and Europe further confirms my opinion that any misrepresentation would not be a material factor in the consumer's decision to buy the goods.

In my opinion, the word Euro or Europe on a spray gun and related accessories by itself is not material to a consumer's decision to buy the goods. Europe encompasses a multitude of countries. A number of the countries in Europe are not regarded by consumers for their manufacturing. In my opinion, without identifying a specific country that a consumer would associate with the goods, any misrepresentation is not a material factor in the consumer's decision to buy the goods.

I declare under the penalty of perjury that the foregoing is true.



Michael Demarco

January 3, 2014

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the Expert Report of Michael Demarco has been on Jan. 3, 2014 duly served by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854

By: /Payam Moradian/  
Payam Moradian

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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SATA GmbH & Co. KG	)	
	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91/210813
	)	
Applicant	)	

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**APPLICANT'S SECOND REQUESTS FOR ADMISSION**

Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120). Trademark Trial and Appeal Board Manual of Procedure § 410, and Federal Rule of Civil Procedure 36, Applicant requests that Opposer admit the truth of the Requests for Admissions set forth below within thirty (30) days after service of this Request.

For the purpose of this Request, the following definitions and instructions shall apply.

**DEFINITIONS**

1. The terms "Sata," "you," and "your" refer to Opposer and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.
2. The use of the singular form of any word also includes the plural and vice versa.
3. The use of a present tense shall include past tenses.

4. The terms “all” and “each” shall each be construed to include the other.

### **INSTRUCTIONS**

1. Your written response to this request must comply with Rule 36 of the Federal Rule of Civil Procedure, in that if you do not admit each matter, you must separately respond under oath to each request within thirty (30) days of the service of this request by:

(a) Admitting so much of the matter involved in the request as is true, either as expressed in the request itself or as reasonably and clearly qualified by you;

(b) By denying so much of the matter involved in the request as is untrue; and

(c) Specifying so much of the matter involved in the request as to the truth of which the responding party lacks sufficient information or knowledge.

2. If your response to a particular request is that you lack information or knowledge as a reason for failure to admit all or part of a request for admission, then you shall state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable you to admit that matter.

3. If your response is that only part of a request for admission is objectionable, the remainder of the request shall be answered.

4. If an objection is made to a request or to a part of a request, the specific ground for the objection shall be set forth clearly in the response.

5. These requests for admission are continuing and require further answer and supplementation, as provided by Federal Rule of Civil Procedure 26(e).

## **REQUEST FOR ADMISSIONS**

### **REQUEST FOR ADMISSION NO. 20**

Admit that consumers are likely to believe that paint spray guns made in Germany would have different qualities than tools made in Greece.

### **REQUEST FOR ADMISSION NO. 21**

Admit that consumers are likely to believe that paint spray guns made in Germany would have different qualities than tools made in Bulgaria.

### **REQUEST FOR ADMISSION NO. 22**

Admit that consumers are likely to believe that paint spray guns made in Germany would have different qualities than tools made in Kosovo.

### **REQUEST FOR ADMISSION NO. 23**

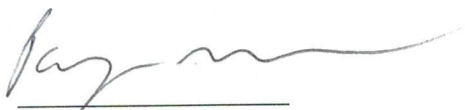
Admit that consumers are likely to believe that paint spray guns made in Germany would have different qualities than tools made in Belarus.

### **REQUEST FOR ADMISSION NO. 23**

Admit that at least one country in Europe is not perceived by consumers as a location for manufacture of paint spray guns.

### **REQUEST FOR ADMISSION NO. 24**

Admit that at least five countries in Europe are not perceived by consumers as a location for manufacture of paint spray guns.



Payam Moradian  
Keleti+Moradian LLP  
Attorney for Mike Ghorbani  
10880 Wilshire Blvd, Suite 1101  
Los Angeles, CA 90024  
p@moradianlaw.com  
917-353-1919

~~June 25, 2014~~

March 5, 2015



### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been on March 6, 2015 duly served by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854.

By: /Payam Moradian/  
Payam Moradian

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SATA GmbH & Co. KG,	)	
	)	
	)	
Opposer,	)	
	)	
v.	)	Consolidated
	)	Opposition No. <b>91210813</b>
	)	
Mike Ghorbani,	)	Opposition No. 91217915
	)	
Applicant.	)	Cancellation No. 92059849
	)	

**OPPOSER SATA GMBH & CO. KG'S RESPONSES AND OBJECTIONS TO  
APPLICANT'S SECOND REQUESTS FOR ADMISSION**

**REQUEST FOR ADMISSION NO. 20**

Admit that consumers are likely to believe that paint spray guns made in Germany would have different qualities than tools made in Greece.

**Response:**

Opposer objects to this request because it has no idea what Applicant's reference to "tools" is intended to encompass nor what consumers are likely to believe concerning "tools" made in Greece. Moreover, Applicant's mark includes neither "Germany" nor "Greece."

**REQUEST FOR ADMISSION NO. 21**

Admit that consumers are likely to believe that paint spray guns made in Germany would have different qualities than tools made in Bulgaria.

**Response:**

Opposer objects to this request because it has no idea what Applicant's reference to "tools" is intended to encompass nor what consumers are likely to believe concerning "tools" made in Greece. Moreover, Applicant's mark includes neither "Germany" nor "Bulgaria."

**REQUEST FOR ADMISSION NO. 22**

Admit that consumers are likely to believe that paint spray guns made in Germany would have different qualities than tools made in Kosovo.

**Response:**

Opposer objects to this request because it has no idea what Applicant's reference to "tools" is intended to encompass nor what consumers are likely to believe concerning "tools" made in Kosovo. Moreover, Applicant's mark includes neither "Germany" nor "Kosovo."

**REQUEST FOR ADMISSION NO. 23**

Admit that consumers are likely to believe that paint spray guns made in Germany would have different qualities than tools made in Belarus.

**Response:**

Opposer objects to this request because it has no idea what Applicant's reference to "tools" is intended to encompass nor what consumers are likely to believe concerning "tools" made in Belarus. Moreover, Applicant's mark includes neither "Germany" nor "Belarus."

**REQUEST FOR ADMISSION NO. 23**

Admit that at least one country in Europe is not perceived by consumers as a location for manufacture of paint spray guns.

**Response:**

Admitted. The exceptional reputation afforded European manufactured paint spray guns, and the association of characteristics such as high quality, craftsmanship and prestige established amongst American consumers pertaining to such guns, is not dependent upon, and does not require, each of Europe's 51 countries to individually manufacture paint spray guns.

**REQUEST FOR ADMISSION NO. 24**

Admit that at least five countries in Europe are not perceived by consumers as a location for manufacture of paint spray guns.

**Response:**

Admitted. The exceptional reputation afforded European manufactured paint spray guns, and the association of characteristics such as high quality, craftsmanship and prestige established amongst American consumers pertaining to such guns, is not dependent upon, and does not require, each of Europe's 51 countries to individually manufacture paint spray guns.

SATA GmbH & Co. KG

Date: June 1, 2015

By: E. Schmon  
Dr. Ewald Schmon

Title: Head of R&D, Application and IP

As to objections

Date: 6/1/2015


Thomas J. Vande Sande  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

CERTIFICATE OF SERVICE

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S RESPONSES AND OBJECTIONS TO APPLICANT'S SECOND REQUESTS FOR ADMISSION" were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire  
Moradian Law  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024

Date: 6/1/15

  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

---

SATA GmbH & Co. KG	)	
Opposer	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91/210813
Applicant	)	

---

**APPLICANT’S MIKE GHORBANI’S INTERROGATORIES TO OPPOSER**

Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120), Trademark Trial and Appeal Board Manual of Procedure § 406, and Federal Rule of Civil Procedure 33, Applicant Mike Ghorbani requests that Opposer SATA GmbH & Co. KG (“Sata”) answer the following Interrogatories separately and fully, in writing, under oath within thirty (30) days after date of service.

For the purpose of these Interrogatories, the following definitions and instructions shall apply:

**DEFINITIONS**

1. The term “you,” and “your” refer to Opposer and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint ventures.

2. The term “person” means any natural person or any business, legal or governmental entity, or association.



3. The term “document” as used herein is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34, any “writings and recordings” and “photographs” as defined by Federal Rule of Evidence 1001, and its interpretation by the courts, and includes, without limitation, all originals, drafts, and non-identical copies of any written, printed, typed, recorded, electronic, magnetic, optical, punched, copied, graphic or other tangible thing in, upon or from which information may be conveyed, embodied, translated, or stored (including, but not limited to, papers, records, books, correspondence, contracts, minutes of meetings, memoranda, notes on desk calendars and appointment books, intra-office communications, canceled checks, invoices, telegrams, telexes, dictation or other audio tapes, video tapes, studies, electronic mail, information stored in computer readable form, on a compact disc, or any other type of data storage device or medium, computer printouts, microfilm, microfiche, laser disks, diaries, calendars, photographs, charts, viewgraphs, drawings, sketches and all other writings or drafts thereof), as well as all other tangible things subject to production under Federal Rule of Civil Procedure 34.

4. The term “identify,” when referring to:

- a. a natural person, means to give his or her full name, present or last address and telephone number, last known place of employment and job title;
- b. a public or private corporation, partnership, association, agency or other entity, means to give its present or last known address and telephone number, and state of incorporation, if applicable;
- c. a document, means to state its general character, title, date, addressee or recipient, author or signatory, present location, and who has possession, custody or

control of the document, provided, however, that answers to interrogatories requesting identifications or descriptions of certain communications or documents may be satisfied by attaching a true and correct copy of any written documents, as described herein, containing the requested information;

d. a product, means to provide a description of the item which is offered for sale, and the intended market for the product;

5. The term "communication" is defined as any transmission or exchange of information between two (2) or more persons, orally or in writing, and includes, without limitation, any conversation or discussion, whether face-to-face or by means of telephone, letter, facsimile, electronic or other media.

6. The terms "relating to" and "related to" mean, without limitation, concerning, containing, evidencing, describing, constituting, referring to, explaining, discussing or reflecting.

7. The use of a present tense shall include past tenses.

8. The use of the singular form of any word also includes the plural and vice versa.

9. The terms "all" and "each" shall each be construed to include the other.

### **INSTRUCTIONS**

1. In answering these Interrogatories, furnish all information, including information contained in or on any document, that is known or available to you, including all information in the possession of your attorneys or other persons acting on your behalf or under your attorneys' employment or direction.

2. If you cannot answer any interrogatory fully and completely after exercising due diligence to make inquiries and secure information necessary to do so, so state, and

answer each such interrogatory to the full extent you deem possible; specify the portion of such interrogatory that you claim you are unable to answer fully and completely; state the facts on which you rely to support your contention that you are unable to answer such interrogatory fully and completely; and state what knowledge, information and/or belief you have concerning the unanswered portion of each such interrogatory.

3. If there is any item of information that you refuse to disclose on grounds of privilege or work-product immunity, answer so much of the interrogatory as does not request information for which you claim privilege, state the nature of the privilege you claim, and provide sufficient details, including the nature of the information, its source, its subject matter, and the names of all persons to whom that information was disclosed, such as would enable the claim of privilege or immunity to be adjudicated.

4. If the response to any interrogatory consists, in whole or in part, of an objection relating to burdensomeness, then with respect to such response:

- a. Provide such information as can be ascertained without undue burden;

- b. State with particularity the basis for such objection including:

- i. a description of the process or method required to obtain any fact responsive to the interrogatory; and

- ii. the estimated cost and time required to obtain any fact responsive to the interrogatory.

5. These interrogatories are continuing and require further answer and supplementation, as provided by Federal Rule of Civil Procedure 26(e).

## **INTERROGATORIES**

Consistent with the foregoing definitions and instructions, please answer the following interrogatories:

### **INTERROGATORY NO. 1:**

Describe in detail the circumstances through which you first became aware of Mike Ghorbani and the use of the EURO mark.

### **INTERROGATORY NO. 2:**

Identify every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

### **INTERROGATORY NO. 3:**

For each product requested to be identified in Interrogatory No. 2, identify the persons most knowledgeable about each product.

### **INTERROGATORY NO. 4:**

For each product requested to be identified in Interrogatory No. 2, identify the price at which each of those products is offered in the United States.

### **INTERROGATORY NO. 5:**

For each product requested to be identified in Interrogatory No. 2, describe the channels of trade of the product in the United States.

### **INTERROGATORY NO. 6:**

For each product requested to be identified in Interrogatory No. 2, identify the persons most knowledgeable about the sales and distribution of the product in the United States.

### **INTERROGATORY NO. 7:**



For each product requested to be identified in Interrogatory No. 2, identify the nature and title (if applicable) of the media in which all advertisements of the product or service have appeared, including the date of, and geographic scope (by city and state) of such advertisements.

**INTERROGATORY NO. 8:**

For each product requested to be identified in Interrogatory No. 2, describe the target markets and characteristics of targeted consumers.

**INTERROGATORY NO. 9:**

For each product requested to be identified in Interrogatory No. 2, identify your competitors and their competing products.

**INTERROGATORY NO. 10:**

Describe any studies, tests, ratings, or surveys related to the quality of the products offered under the mark EURO.

**INTERROGATORY NO. 11:**

Describe any studies, tests, ratings, or surveys related to consumer recognition of SATA mark.

**INTERROGATORY NO. 12:**

Describe any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

**INTERROGATORY NO. 13:**

Describe in detail each incident, known to you, of actual confusion between your products, and products available under the name EURO.

**INTERROGATORY NO. 14:**

For each product requested to be identified in Interrogatory No. 2, identify your market share in the United States.

**INTERROGATORY NO. 15:**

For each product requested to be identified in Interrogatory No. 2, identify the market share of any competitors known or estimated by you.

**INTERROGATORY NO. 16:**

Describe in detail any supporting evidence that you have for your contention in the complaint that the products sold under the Mark EURO are “inferior in quality to SATA’s goods.”

**INTERROGATORY NO. 17:**

Describe in detail any supporting evidence that you have for your contention in the Complaint that your products are manufactured in Germany.

**INTERROGATORY NO. 18:**

Describe in detail any supporting evidence that you have for your contention in the Complaint that your products have superior performance.

**INTERROGATORY NO. 19:**

For each product requested to be identified in Interrogatory No. 2, identify the country where each of the following parts are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

**INTERROGATORY NO. 20:**

Describe in detail each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. which was believed to be from Europe.

**INTERROGATORY NO. 21:**

Describe any studies, tests, ratings, or surveys related to consumer recognition of HVLP spray guns originating from Europe.

**INTERROGATORY NO. 22:**

Describe any studies, tests, or surveys related to the United States market share, performance, and quality of products (which compete with products you identified in response to Interrogatory No. 2) sold by Anest Iwata USA, Inc. in the United States.

**INTERROGATORY NO. 23:**

For each product requested to be identified in Interrogatory No. 2, identify the country of final assembly.

**INTERROGATORY NO. 24:**

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in the United States.

**INTERROGATORY NO. 25:**

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in Europe for the corresponding product sold in Europe.

Moradian Law  
Payam Moradian

/Payam Moradian/

Attorney for Mike Ghorbani  
2789 Woodwardia Dr.  
Los Angeles, CA 90077  
p@moradianlaw.com  
917-353-1919



### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been duly served by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to on Dec. 9, 2013:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854

By: /Payam Moradian/  
Payam Moradian

RECEIVED  
FEB 18 2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

-----		)	
SATA GmbH & Co. KG		)	
		)	Mark: EURO & Design
	Opposer	)	
v.		)	Serial No.: 85/712789
Mike Ghorbani		)	
		)	Opposition No. 91210813
	Applicant	)	
-----		)	

**OPPOSER SATA GMBH & CO. KG'S ANSWERS TO  
APPLICANT'S FIRST SET OF INTERROGATORIES**

**GENERAL OBJECTIONS**

**GENERAL OBJECTION NO. 1:**

Opposer SATA GmbH & Co. KG has not completed its investigation in this matter. All responses to Interrogatories are based upon the information presently known to Opposer and are given without prejudice to its right to adduce evidence discovered or analyzed subsequent to the date of these answers. Opposer expressly reserves the right to revise and supplement its answers to these Interrogatories in the event that its continuing investigation of the facts and/or discovery bring to light any additional information responsive to these Interrogatories.

**GENERAL OBJECTION NO. 2:**

Opposer objects to these Interrogatories, and to each and every individual interrogatory, to the extent they seek information protected by the attorney-client privilege, work product doctrine, and/or any other applicable privilege or protection. Without prejudice to this objection,

Opposer will provide answers to these Interrogatories to the extent that such responses do not waive such privileges or protections.

**GENERAL OBJECTION NO. 3:**

Opposer objects to these Interrogatories, including, but not limited to, the "Definitions" therein, and to each and every individual interrogatory, to the extent they purport to impose duties on Opposer that are greater than those imposed by the Federal Rules of Civil Procedure and/or the TBMP.

**GENERAL OBJECTION NO. 4:**

Opposer objects to these Interrogatories, and to each and every individual interrogatory, to the extent they seek information outside of Opposer's possession, custody, or control, on the grounds that any such interrogatory is overly broad and unduly burdensome, seeks to impose discovery obligations in excess of those imposed by the Federal Rules of Civil Procedure and/or the TBMP, or would subject Opposer to unreasonable annoyance, burden, and expense.

**GENERAL OBJECTION NO. 5:**

Opposer objects to these Interrogatories, and to each and every individual interrogatory, as unduly burdensome, oppressive and in violation of the Federal Rules of Civil Procedure and/or the TBMP to the extent they purport to require Opposer to respond on behalf of, or conduct any inquiry or investigation with respect to, any party other than Opposer. Opposer will only answer Interrogatories on its own behalf.

**GENERAL OBJECTION NO. 6:**

Opposer objects to these Interrogatories, and to each and every individual interrogatory, to the extent they seek information that is not reasonably calculated to lead to the discovery of admissible evidence.

**GENERAL OBJECTION NO. 7:**

Opposer objects to these Interrogatories, and to each and every individual interrogatory, as overly broad and unduly burdensome to the extent they do not include a limitation or proposed definition of a relevant time period.

**GENERAL OBJECTION NO. 8:**

Opposer specifically reserves all objections as to the competence, relevancy, materiality and admissibility of its documents and interrogatory answers or the subject matter thereof, and all rights to object on any ground to the use of any document or interrogatory answer, or the subject matter thereof, in any subsequent proceeding, including without limitation to the trial of this or any action.

Opposer expressly incorporates the above General Objections as though set forth fully in response to each of the following individual interrogatories, and, to the extent they are not raised in any particular response, Opposer does not waive those objections. An answer to an interrogatory shall not be deemed a waiver of any applicable specific or general objections to an interrogatory.

**INTERROGATORIES**

**INTERROGATORY NO. 1:**

Describe in detail the circumstances through which you first became aware of Mike Ghorbani and the use of the EURO mark.

**Answer:**

Employees of Opposer first became aware of the products offered by M.G. Distributor as a result of those employees visiting the M.G. Distributor's booth at the SEMA Show 2012.



**INTERROGATORY NO. 2:**

Identify every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

**Answer:**

- 1.) SATAjet 100 B F HVLP
- 2.) SATAjet 100 B F RP
- 3.) SATAjet 1000 B HVLP
- 4.) SATAjet 1000 B RP

**INTERROGATORY NO. 3:**

For each product requested to be identified in Interrogatory No. 2, identify the persons most knowledgeable about each product.

**Answer:**

Dr. Ewald Schmon, Head of R & D, SATA GmbH & Co. KG.

**INTERROGATORY NO. 4:**

For each product requested to be identified in Interrogatory No. 2, identify the price at which each of those products is offered in the United States.

**Answer:**

The products identified as 1 and 2 in response to Interrogatory 2 are sold in the U.S. at prices [REDACTED] The products identified in response to Interrogatory 2 as 3 and 4 are offered in the U.S. at prices [REDACTED]

**INTERROGATORY NO. 5:**

For each product requested to be identified in Interrogatory No. 2, describe the channels of trade of the product in the United States.

**Answer:**

SATA delivers all products for the U.S. market to Dan-Am, an independent company acting as exclusive authorized importer for SATA in the United States. Dan-Am sells these products to selected U.S. dealers. These dealers in turn sell products to end users, either in local stores or in some limited instances, online.

**INTERROGATORY NO. 6:**

For each product requested to be identified in Interrogatory No. 2, identify the persons most knowledgeable about the sales and distribution of the product in the United States.

**Answer:**

Mr. Joerg Goettling, Head of Export at SATA GmbH & Co. KG.

**INTERROGATORY NO. 7:**

For each product requested to be identified in Interrogatory No. 2, identify the nature and title (if applicable) of the media in which all advertisements of the product or service have appeared, including the date of, and geographic scope (by city and state) of such advertisements.

**Answer:**

Opposer objects to this interrogatory as being irrelevant and also as being overly broad and unduly burdensome requesting as it does the identification of "all advertisements" and the dates and geographic scope of "all advertisements". Opposer further objects to this interrogatory to the extent that it inquires of Opposer as to advertising activities engaged in by third parties. Without waiving these objections Opposer notes that its products are advertised in the U.S. through catalogs, price lists, leaflets, publications such as "SATA news", "Dan-Am news", online advertisements, trade fairs, and through other means customary in the business. Advertising efforts are not, to SATA's knowledge, geographically limited within the U.S.

**INTERROGATORY NO. 8:**

For each product requested to be identified in Interrogatory No. 2, describe the target markets and characteristics of targeted consumers.

**Answer:**

As to those products identified in the Answer to Interrogatory 2 as 1 and 2, the market and relevant consumers include those involved in auto refinishing. As to those products identified as 3 and 4 in response to Interrogatory 2, markets and consumers include those involved in auto refinishing and carpentry and various activities involving glazing, staining, and painting of wood.

**INTERROGATORY NO. 9:**

For each product requested to be identified in Interrogatory No. 2, identify your competitors and their competing products.

**Answer:**

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, specifically the registrability of EURO to Applicant for use in connection with paint spray gun equipment.

**INTERROGATORY NO. 10:**

Describe any studies, tests, ratings, or surveys related to the quality of the products offered under the mark EURO.

**Answer:**

See documents produced in response to Applicant's production request 6 evidencing the superiority of SATA guns over those offered by Applicant.

**INTERROGATORY NO. 11:**

Describe any studies, tests, ratings, or surveys related to consumer recognition of SATA mark.

**Answer:**

Although Opposer is currently unaware of specific studies, tests, ratings, or surveys relating to consumer recognition of the SATA marks, as noted and evidenced in response to various other of Applicant's interrogatories, and as further evidenced by various documents produced in response to Applicant's requests, with more than 100 years of history, SATA and SATA products have a very good reputation in the market as evidenced in the comments found at various Internet fora and websites and is recognized by dealers and consumers involved with this market and these goods. The high quality of goods offered under the SATA mark has even been recognized by Applicant as evidenced through S 0485.

**INTERROGATORY NO. 12:**

Describe any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

**Answer:**

Opposer is not currently aware of any studies, tests, ratings, or surveys related to consumer recognition of Applicant's EURO mark.

**INTERROGATORY NO. 13:**

Describe in detail each incident, known to you, of actual confusion between your products, and products available under the name EURO.



**Answer:**

Upon information and belief customers have expressed confusion to SATA's exclusive authorized importer, Dan-Am. Upon information and belief potential customers have made inquiries of Dan-Am for the purpose of determining whether there exists a relationship between SATA and the EURO guns offered by Applicant.

**INTERROGATORY NO. 14:**

For each product requested to be identified in Interrogatory No. 2, identify your market share in the United States.

**Answer:**

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, involving as it does the registrability of EURO to Applicant for use in connection with paint spray gun equipment.

**INTERROGATORY NO. 15:**

For each product requested to be identified in Interrogatory No. 2, identify the market share of any competitors known or estimated by you.

**Answer:**

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, involving as it does the registrability of EURO to Applicant for use in connection with paint spray gun equipment.

**INTERROGATORY NO. 16:**

Describe in detail any supporting evidence that you have for your contention in the complaint that the products sold under the Mark EURO are "inferior in quality to SATA's goods."

**Answer:**

The test results referred to responding to Interrogatory No. 10 and the documentation offered in response to related document request 6 establish the fact that the products sold under the EURO mark are inferior in quality to SATA's products. In addition to the test results, numerous publically available publications and websites, including dealers' websites, extol the virtues and high performance levels of Opposer's goods. See also Applicant's acknowledgement of the high quality of SATA's products proclaimed in S 0485, produced in response to Applicant's requests for the production of documents.



**INTERROGATORY NO. 17:**

Describe in detail any supporting evidence that you have for your contention in the Complaint that your products are manufactured in Germany.

**Answer:**

The fact that SATA's paint spray guns are manufactured in Germany is common knowledge. Supporting evidence includes the publication "100 Years of SATA", and articles publically available through the Internet such as that appearing at [www.bm-online.de](http://www.bm-online.de). In addition, the fact that tours are offered through Opposer's manufacturing facilities located in Kornwestheim, Germany well evidences the fact that Opposer's products are manufactured in Germany.

**INTERROGATORY NO. 18:**

Describe in detail any supporting evidence that you have for your contention in the Complaint that your products have superior performance.

**Answer:**

Evidence supporting the superior performance of SATA's products include the many positive references to SATA and its products located at publically available websites and dealer fora, the acknowledgement by Applicant of the high quality of SATA goods (see S 0485), and the test results produced in response to Applicant's production requests bearing production nos. S 0480 – S 0481.

**INTERROGATORY NO. 19:**

For each product requested to be identified in Interrogatory No. 2, identify the county where each of the following parts are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

**Answer:**

Each identified part is manufactured in Germany or in other European countries. SATA objects to this interrogatory to the extent that it makes reference to the catalog of a third party in no way involved in this proceeding. Supporting evidence includes, but is not limited to, the publication "100 Years of SATA". See also the reference at [www.bm-online.de](http://www.bm-online.de) to the effect that SATA exclusively produces its goods in Kornwestheim, Germany.

**INTERROGATORY NO. 20:**

Describe in detail each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. which was believed to be from Europe.

**Answer:**

See Opposer's answers to Interrogatories 1 and 13.

**INTERROGATORY NO. 21:**

Describe any studies, tests, ratings, or surveys related to consumer recognition of HVLP spray guns originating from Europe.

**Answer:**

Consumer recognition of paint spray guns originating from Europe is not limited to HVLP paint spray guns. Numerous references to the high quality of SATA guns are publically available through the Internet and include those found at [www.lowridermagazine.com](http://www.lowridermagazine.com) and [www.garagejournal.com](http://www.garagejournal.com) (S 0530 – S 0538) among many others.

**INTERROGATORY NO. 22:**

Describe any studies, tests, or surveys related to the United States market share, performance, and quality of products (which compete with products you identified in response to Interrogatory No. 2) sold by Anest Iwata USA, Inc. in the United States.

**Answer:**

Opposer objects to this interrogatory as being irrelevant to any issue involved in this proceeding, inquiring as it does, as to the business and products of an uninvolved third party.

**INTERROGATORY NO. 23:**

For each product requested to be identified in Interrogatory No. 2, identify the country of final assembly.

**Answer:**

Germany.

**INTERROGAORY NO. 24:**

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in the United States.

**Answer:**

Opposer objects to this interrogatory to the extent that it inquires of Opposer's market share in the U.S. as such is irrelevant to any issue involved in this proceeding. Total units sold in the U.S. for the years 2012 and 2013 in connection with each of the four models identified in response to Interrogatory 2 are as follows:

	2012	2013
SATAjet 100 B F HVLP		
SATAjet 100 B F RP		
SATAjet 1000 B HVLP		
SATAjet 1000 B RP		

**INTERROGATORY NO. 25:**

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in Europe for the corresponding product sold in Europe.

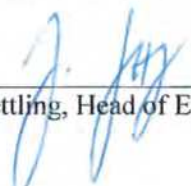
**Answer:**

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, specifically the registrability of EURO to Applicant for use in connection with paint spray gun equipment.

SATA GmbH & Co. KG

Date:

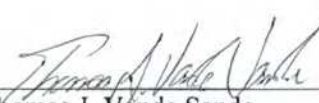
January 30, 2014

  
Joerg Goettling, Head of Export

As to objections:

Date:

2/12/14

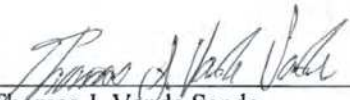
  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorney for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

CERTIFICATE OF SERVICE

The undersigned, Thomas J. Vande Sande, attorney for Opposer hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S ANSWERS TO APPLICANT'S FIRST SET OF INTERROGATORIES" was this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esq.  
Adli Law Group P.C.  
633 West Fifth Street, Suite 6900  
Los Angeles, CA 90071

Date: 2/12/14

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----		
SATA GmbH & Co. KG	)	
	)	
Opposer	)	Mark: EURO & Design
v.	)	
Mike Ghorbani	)	Serial No.: 85/712789
	)	
Applicant	)	Opposition No. 91210813
	)	
-----		

**OPPOSER SATA GMBH & CO. KG'S SUPPLEMENTAL INTERROGATORY  
ANSWERS PURSUANT TO BOARD ORDER OF NOVEMBER 21, 2014**

**INTERROGATORY 9:**

For each product requested to be identified in Interrogatory No. 2, identify your competitors and their competing products.

**Response:**

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, specifically the registerability of EURO to Applicant for use in connection with paint spray gun equipment.

**Supplemental Response:**

---

Opposer's competitors include Devilbiss, Anest Iwata, Asturo (AOM), Sagola, Astro, 3M, Duerr, Kremlin Rexson Sames and Graco. Also, included as competitors are all manufacturers of SATA copy guns, including M.G. Distributor, Luxi Tools, Auarita and Rongpeng.



**INTERROGATORY 19:**

For each product requested to be identified in Interrogatory No. 2, identify the country where each of the following parts are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet and Cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

**Response:**

Each identified part is manufactured in Germany or in other European countries. SATA objects to this interrogatory to the extent that it makes reference to the catalog of a third party in no way involved in this proceeding. Supporting evidence includes, but is not limited to, the publication "100 Years of SATA." See also the reference at [www.bm-online.de](http://www.bm-online.de) to the effect that SATA exclusively produces its goods in Kornwestheim, Germany.

**Supplemental Response:**

Adjustment knobs, gun bodies, air nozzles, RPS cups, paint nozzles and paint needles are made in Germany. Triggers are made in Italy.

**INTERROGATORY 24:**

For each product requested to be identified in Interrogatory No. 2, state total sales and market share in the United States.

**Response:**


Opposer objects to this interrogatory to the extent that it inquires of Opposer's market share in the United States as such is irrelevant to any issue in this proceeding. Total units sold in the

---

United States for the years 2012 and 2013 in connection with each of the four models identified in response to Interrogatory 2 are as follows:


**Supplemental Response:**

U.S. sales for SATA guns and products from 2009 to December 2014 are given in Exhibit 1 attached hereto which is designated as Highly Confidential pursuant to the Board's Protective Order. Opposer has no data reflecting market share.

  
SATA GmbH & Co. KG

Date: December 19, 2014 By: Abbrecht Kruse  
Title: General Manager

As to objections:

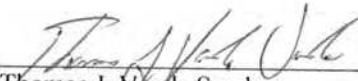
Date: 12/19/14  
  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

**CERTIFICATE OF SERVICE**

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S SUPPLEMENTAL INTERROGATORY ANSWERS PURSUANT TO BOARD ORDER OF NOVEMBER 21, 2014" and Exhibit 1 were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire  
Moradian Law  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024

Date: 12/19/14

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500

HIGHLY CONFIDENTIAL

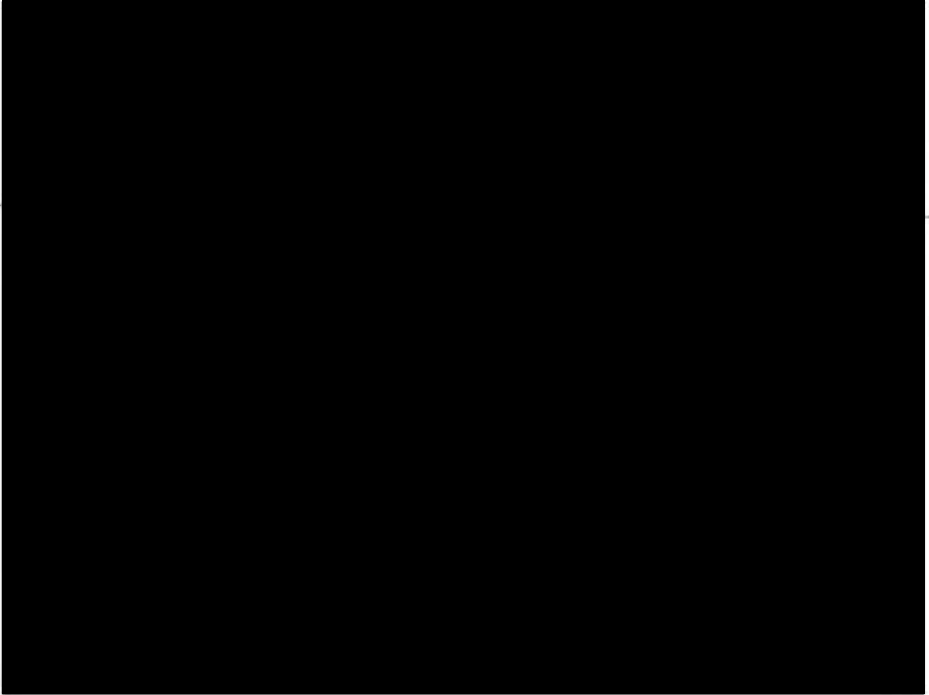


EXHIBIT 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SATA GmbH & Co. KG,	)	
	)	
	)	
Opposer,	)	
	)	Consolidated
v.	)	Opposition No. <b>91210813</b>
	)	
Mike Ghorbani,	)	Opposition No. 91217915
	)	
Applicant.	)	Cancellation No. 92059849
_____	)	

**OPPOSER SATA GMBH & CO. KG'S SECOND  
SUPPLEMENTAL INTERROGATORY ANSWER**

**INTERROGATORY 9:**

For each product requested to be identified in Interrogatory No. 2, identify your competitors and their competing products.

**Response:**

Opposer objects to this interrogatory as seeking information which is not relevant to any issue involved in this dispute, specifically the registerability of EURO to Applicant for use in connection with paint spray gun equipment.

**Supplemental Response:**

Opposer's competitors include Devilbiss, Anest Iwata, Asturo (AOM), Sagola, Astro, 3M, Duerr, Kremlin Rexson Sames and Graco. Also, included as competitors are all manufacturers of SATA copy guns, including M.G. Distributor, Luxi Tools, Auarita and Rongpeng.



**Second Supplemental Response:**

Competing products consist of paint spray guns and equipment manufactured and sold by Devilbiss, Anest Iwata, Asturo (AOM), Sagola, Astro, 3M, Duerr, Kremlin Rexson Sames and Graco. Other competing products include inferior and illegitimate SATA copy guns produced by copyists such as MG Distributor, Luxi Tools, Auarita and Rongpeng.

Date: June 10, 2015

SATA GmbH & Co. KG

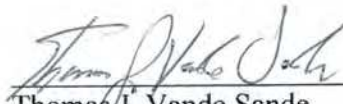
By: 

Albrecht Kruse

Title: General Manager

As to objections

Date: 6/19/15



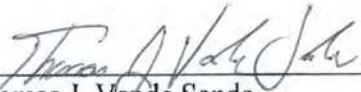
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

**CERTIFICATE OF SERVICE**

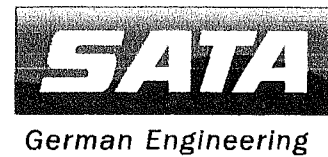
The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S SECOND SUPPLEMENTAL INTERROGATORY ANSWER" were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire  
Moradian Law  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024

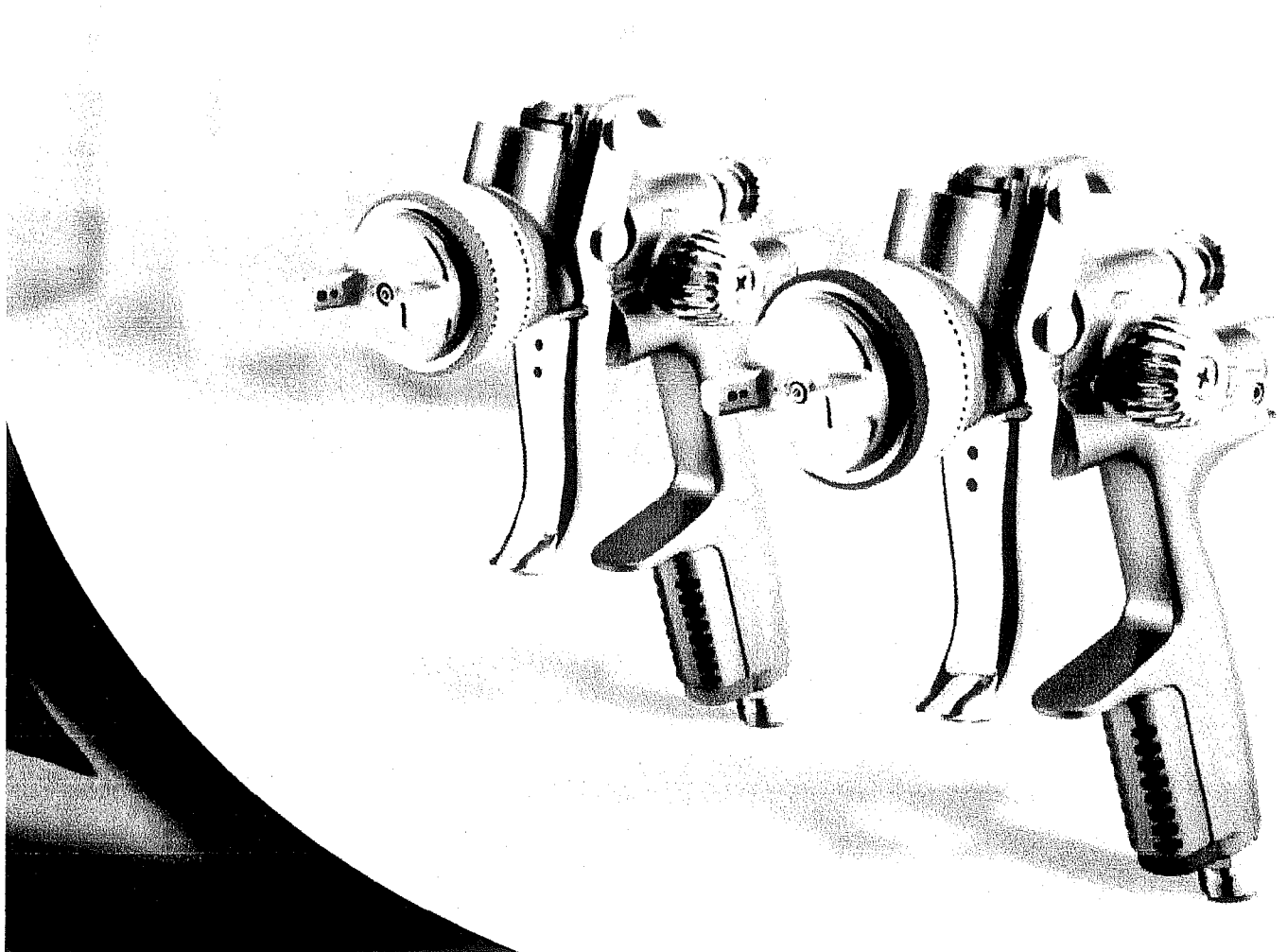
Date: 6/19/15

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500

SATAjet® 100 B™



Spray Guns



## Specialists In Their Profession

- Primer spray guns with low overspray
- Minimal sanding effort
- Extremely smooth material application

# SATAjet 100 B – Unmatched for the Application of Primer Materials

Prep materials such as **primer, filler and spray putty** fulfill an important function within the paint process. Therefore, particular attention must be paid to the application of these materials, using a dedicated primer gun.

The wide nozzle range of the SATAjet 100 B allows to perfectly apply all sorts of prep materials. The fine atomisation and wide spray fan of the SATAjet 100 B help achieve **even material distribution**, thus saving expensive labour time due to much reduced sanding effort.

The SATAjet 100 B F RP is an extremely versatile spray gun allowing to adjust the atomisation pressure very flexibly. From spot repair to large surfaces – starting from a **gun inlet pressure of 0.5 bar**, this primer gun can be adjusted in a way which allows to repair even small areas economically with extremely low overspray.

## Highly elaborated details:

- Smoothly polished, ergonomically optimised gun body
- Sturdy air cap thread
- Self-tensioning packings
- Air micrometer for atomisation air adjustment (SATAjet 100 B F HVLP/RP)
- Material flow control with locking nut
- Round/flat spray control for single-hand operation
- CCS clips for individual marking
- QCC cup connection (bayonet)
- Trigger with paint needle cover

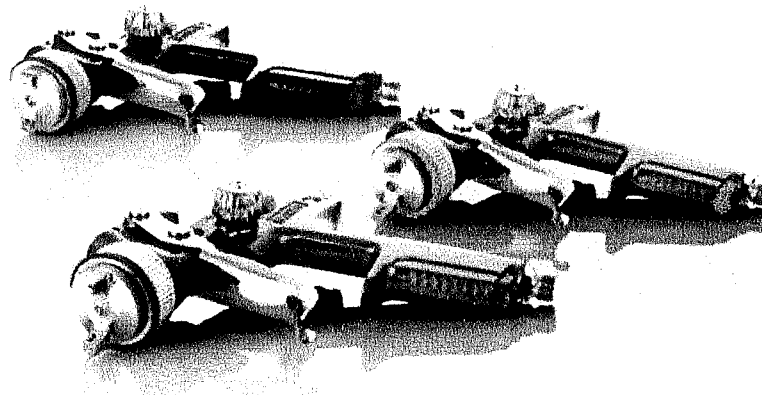
## The appropriate solution for every professional

According to his technique, the object and the material, the painter has the choice between the "Super Speed" SATAjet 100 B F HVLP and the "Super Speed" SATAjet 100 B F RP. Both versions (HVLP low pressure and RP optimised high pressure/compliant technology) achieve transfer rates exceeding 65 %.

Both guns perfectly lend themselves for the application of waterborne as well as solvent-based primer materials.

The SATAjet 100 B P is specially designed for the application of polyester spray putty/filler and is indispensable for creating high film builds along with a sharp-edged fan.

Version   Air Consumption	Nozzle size				
SATAjet 100 B F HVLP 350 NI/min at 2 bar	1.4	1.7	1.9	2.1	
SATAjet 100 B F RP 290 NI/min at 2 bar	1.4	1.6	1.8	2.0	-
SATAjet 100 B P 245 NI/min at 2 bar	-	-	-	-	P
Primer spray gun cpl. with 0.6 l QCC PVC removable cup	146373	145722	145730	145744	
	146969	145193	145201	145219	
Nozzle set	146381	145317	145426	145433	145185
	146977	145250	145268	145276	145284



Your SATA dealer



SATA GmbH & Co. KG  
Domertalstr. 20  
70806 Kornwestheim  
Germany  
Tel. +49 7154 811-200  
Fax +49 7154 811-194  
E-Mail: export@sata.com  
www.sata.com

Errors and technical alterations reserved - SATA, SATAjet and/or other SATA products referenced herein are either registered trademarks or trademarks of SATA GmbH & Co. KG in the U.S. and/or other countries.

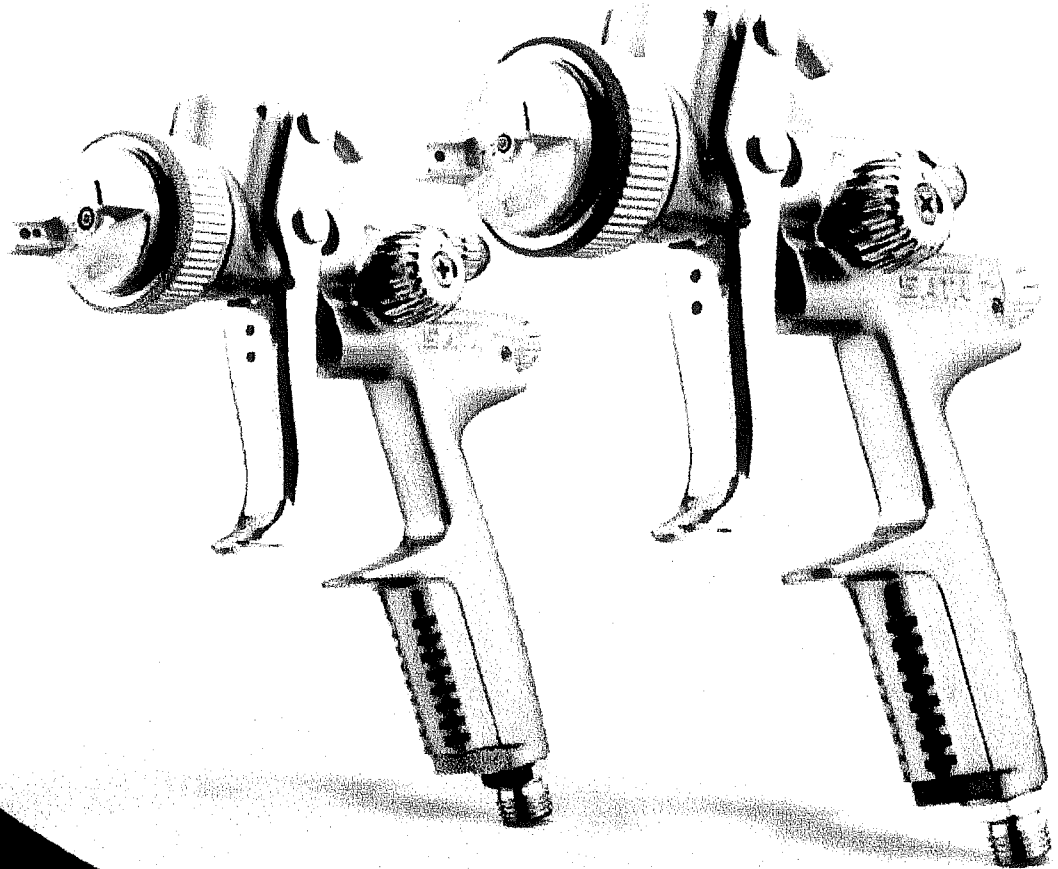
DW-153346/4022-10 3'

SATAjet® 1000 B



*German Engineering*

Spray Guns



The Versatile One!

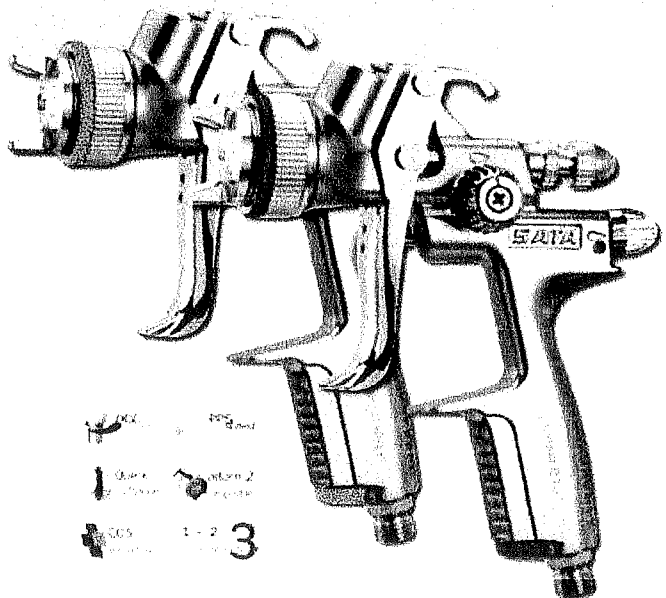


# SATAjet 1000 B – for universal coatings

The SATAjet 1000 B is the multi application choice amongst gravity flow cup spray guns for craft and industry. Due to the wide range of nozzle sizes and accessories available, such as pressurised and agitator cups, various materials can be perfectly applied: low-viscosity stains, clear coats, texture finishes and glazes as well as spray-on glues and other thixotropic products. Even areas of difficult access can be easily coated due to extensions available in various configurations.

## Special Features:

- Suitable for the application of various materials – waterborne or solvent-based
- Universally adjustable spray pattern with fine atomisation for a high work speed
- Special air passages on the air cap horns prevent material accumulations caused by overspray
- The wide and smooth material passages improve the material flow – reduces cleaning time and ensures perfect paint jobs
- Comfortable, ergonomically well balanced control elements, such as material flow control, the thumb adjustable round/flat spray control and integrated air micrometer
- Sturdy, easy clean surface
- Individual marking of the spray gun with coloured CCS clips possible
- The QC Quick Change thread allows an easy and quick air cap exchange with just one and a half turns
- QCC cup connection for rapid cup replacement and easy cleaning
- RPS compatible – suitable for use with RPS disposable cups
- adam 2 compatible – accepts the retrofit the digital air micrometer

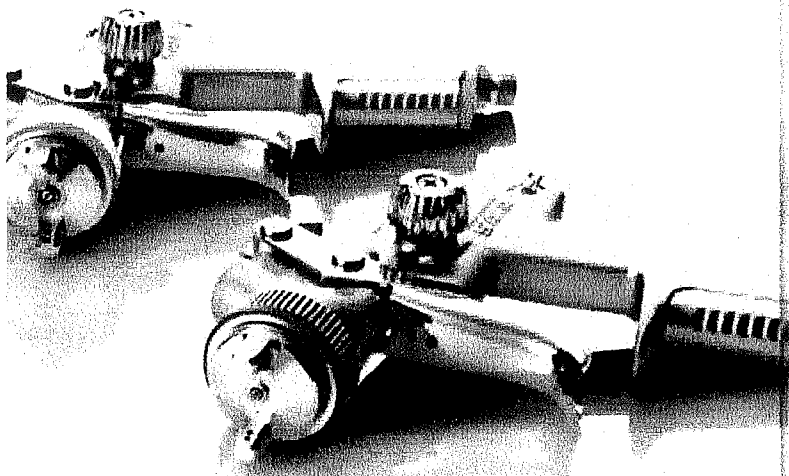


■ **HVLP** achieves especially high transfer rates with low pressure technology.

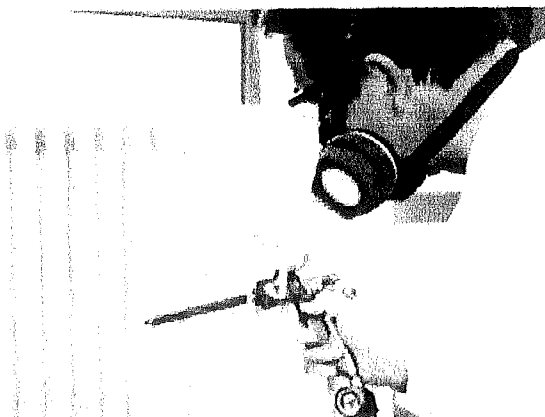
■ **RP** for maximum work speed at optimised high pressure technology.



The wide range of nozzle sizes available allows versatile use of the SATAjet 1000 B.



Complementary accessories are available for special applications, such as radiator painting.



## Fields of application

- Metal working industry
- Carpenters, upholstery manufacturers
- Trade show construction, shopfitting, interior fitting
- Painters
- Application of spray-on glue

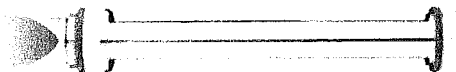
## Extensions

For special applications, such as internal coating of tubes or radiator painting, various extensions ranging from 20 to 300 cm (8 to 120 inches) are available:

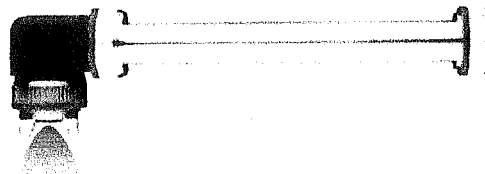
- Diagonal spray nozzle set



- Round/Flat spray nozzle set



- angular head and flat spray nozzle set



## Specific solutions

- SATAjet 1000 B D RP  
with "Spiral" round fan nozzle 1.6 D  
for the application of glues



## Technical Data

Inlet pressure	HVLP	2 bar
	RP	1.5 - 2 bar
Air consumption	HVLP	350 NI/min at 2 bar
	RP	275 NI/min at 2 bar
Spray distance	HVLP	13 - 17 cm
	RP	17 - 21 cm

# The right choice for craft and industry – SATAjet 1000 B

To choose the correct nozzle size, please contact your SATA dealer or check our recommendations at [www.sata.com/paintchart](http://www.sata.com/paintchart).

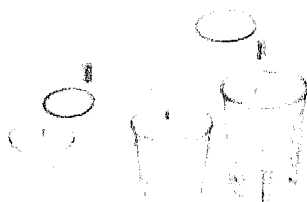
Extensions are available upon request.

Nozzle size	RP	0.8	1.0	1.3	1.6	1.8	2.0	2.5	3.0	4.0	5.0	1.6 D*
Spray gun with 0.6 l QCC PVC reusable cup, without swirl joint		151183	151191	149302	149310	150391	149328	151209	151217	154161		164962
Spray gun with 0.6 l QCC PVC reusable cup, with swirl joint		157875	157883	157891	157909	157917	157925	157933	157941	157958		
Nozzle set		151316	151324	149161	149179	150417	149187	151332	151340	154187	154195	164970

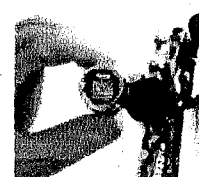
\* "Spiral" round fan nozzle for the application of glue; additional nozzle sizes upon request.

## Accessories:

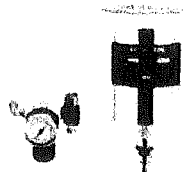
**SATA® RPS™**  
Replaces reusable cups and fits without adapter. Reduces cleaning efforts and saves cleaning solutions. Sizes: 0.3 l, 0.6 l and 0.9 l.



**SATA® adam\* 2**  
Digital retrofit micro-meter for all SATA spray guns without integrated digital measurement. Can be easily removed from the spray gun for cleaning. Art. No. 160846



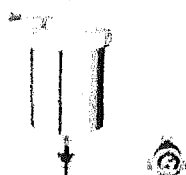
**SATA® BVD™**  
pressurised cup conversion kit  
For the application of high-viscosity materials; max. material pressure: 1.7 bar; size: 0.7 l. Art. No. 25775



**SATA® cert™**  
Avoid mistakes before they occur – with SATA cert, the quality assurance system for your bodyshop. Art. No. 161596



**SATA® Agitator cup**  
Pneumatically operated, adjustable agitating of materials with a tendency towards settling, e.g. emulsions or paints with metallic or mineral components; size: 0.7 l. Art. No. 29926



**SATA® care set™**  
Tool roll including spray gun cleaning and maintenance items. Art. No. 162628



Further useful accessories like air hoses, respirators, compressed air filters etc. are available from your SATA dealer.

Your SATA dealer



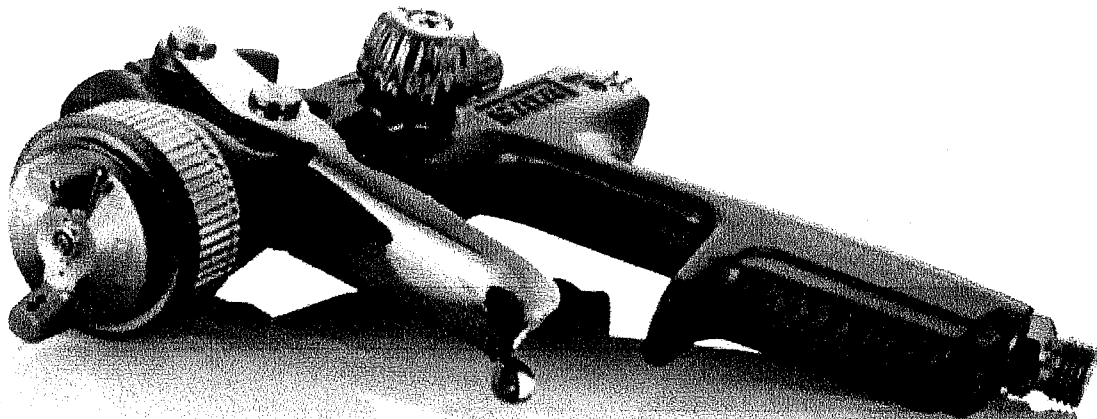
SATA GmbH & Co. KG  
Domertalstr. 20  
70806 Kornwestheim  
Germany  
Tel. +49 7154 811-200  
Fax +49 7154 811-194  
E-Mail: [export@sata.com](mailto:export@sata.com)  
[www.sata.com](http://www.sata.com)

S 0544

Errors and alterations reserved. SATA, SATAjet, the SATA logo and/or other SATA products referenced herein are either registered trademarks or trademarks of SATA GmbH & Co. KG in the U.S. and/or other countries.

DW-183202/4024-04 1'

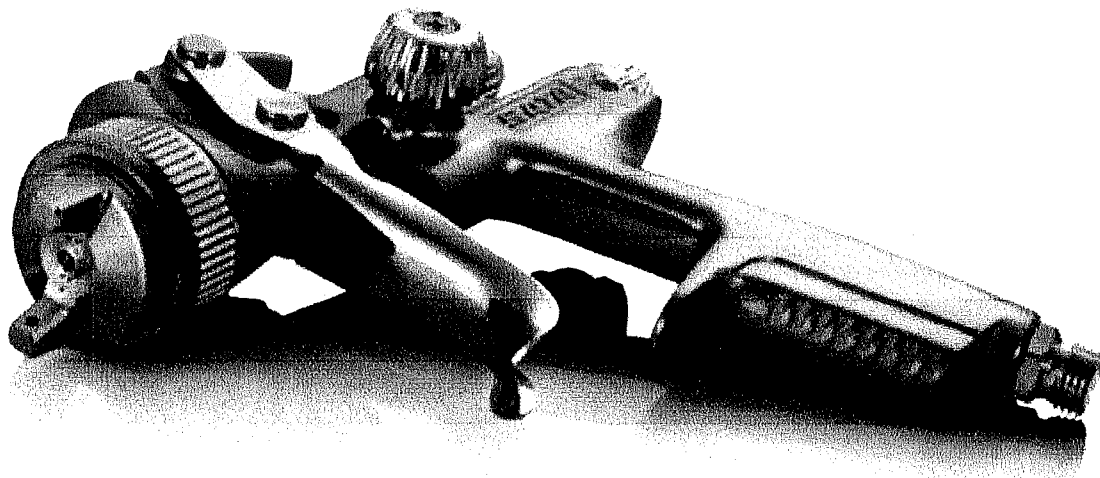
# SATA®jet 100® B



**SATA**

SAFETY EQUIPMENT

# SATA<sup>®</sup> jet 1000<sup>®</sup>

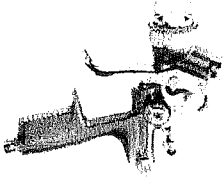


**SATA**

air tools • air lines • air hoses



HVLP



SATAJet 100 B F HVLP



1,4

SATAJet 100 B F HVLP Düse 1,4 0,6 l QCC Kunststoff-  
Mehrwegbecher

SATAJet 100 B F HVLP nozzle 1.4 0.6 l QCC reusable plastic  
cup

SATAJet 100 B F HVLP, buse 1,4, godet QCC réutilisable en  
plastique 0,6 l

146373

MADE FABRIQUE  
IN GERMANY R.F.A.



Hervorragend geeignet:  
Auto: Füller

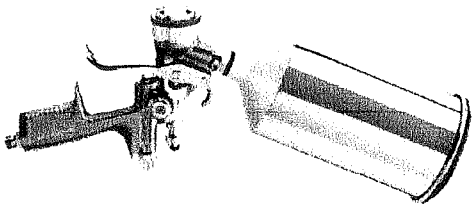
Perfectly suitable:  
Car: Filler

Parfaitement approprié:  
Carr.: apprêt



RP

CE



SATAjet 100 B F RP



1,4

Inhalt - Content - Contenu - Contenido - 内容 - Содержание

SATAjet 100 B F RP Düse 1,4 1,0 l QCC Alu-Mehrwegbecher

SATAjet 100 B F RP nozzle 1.4 1.0 l QCC reusable  
aluminium cup

SATAjet 100 B F RP, buse 1,4, godet QCC réutilisable en  
aluminium 1,0 l

Art. Nr. - Art. No. - Réf.

153460

MADE FABRIQUE  
IN GERMANY S.P.A.



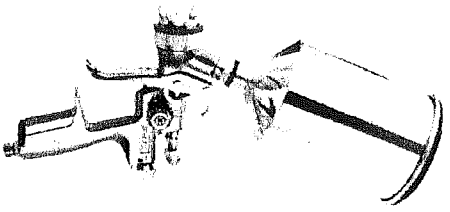
Hervorragend geeignet:  
Auto: Füller

Perfectly suitable:  
Car: Filler

Parfaitement approprié:  
Car: apprêt



RP



CE

SATAjet 1000 B RP<sup>+</sup>

1,0

Inhalt - Content - Contenu - Contenido - 内容 - Содержание

SATAjet 1000 B RP Düse 1,0 0,75 l QCC Alu-Mehrwegbecher

SATAjet 1000 B RP nozzle 1.0 0.75 l QCC reusable aluminium cup

SATAjet 1000 B RP, buse 1,0, godet QCC réutilisable en aluminium 0,75 l

Art. Nr. - Art. No. - Réf.

151233

MADE  
FABRIQUE  
IN  
GERMANY  
F.R.G.

4 027533 123644

Hervorragend geeignet:  
Holz: Lasur, Beizen; Boot:  
HolzlasurPerfectly suitable:  
Wood: Glaze, Stain; Boat:  
Wood GlazeParfaitement approprié:  
Bois: glacis, décapant;  
Bat.: glacis boisGut geeignet:  
Ind.: Klarlack, Basis/Uni,  
Reparatur; Holz: Klarlack;  
Boot: Klarlack, Bunt/Uni,  
Holzklarlack, EffektlackWell suited:  
Ind.: Clearcoat, Base/Single  
St. Repair; Wood:  
Clearcoat; Boat: Clearcoat,  
Single Stage; Wood  
Clearcoat, Effect PaintBien approprié:  
Ind.: vernis, base/brill dir.,  
réparation; Bois: vernis,  
Bat.: vernis, brillant dir.,  
vernis bois, effet

Qualitätszeichen



Qualitätszeichen



Qualitätszeichen



Qualitätszeichen



Qualitätszeichen



Qualitätszeichen



SATA Engineering

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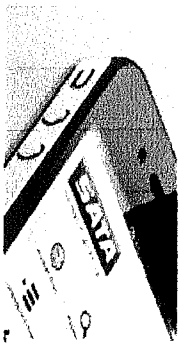
SATAmijet<sup>®</sup>  
4400 B HVL P

SATAmijet<sup>®</sup>  
4400 B RP

RP version: SCAQMD / EPA approvals pending

## SATA - The whole world of painting

### Premium Warranty



### Double chance of winning with the SATA Premium Warranty

Register your new SATA product – this very day – and next to the extension of the warranty period of 3 years, you also take part in a sweep of a brandnew Apple iPhone

[Registration](#)

### Breaking News:



**SATAmijet 4400 B**  
The new compact spray gun SATAmijet 4400 B for small areas is now reaching its extremely



**NEW: SATA adam 2 U**  
The accurate and correct setting of the gun inlet pressure is one of the key requirements to ensure

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----

SATA GmbH & Co. KG	)	
Opposer	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91/210813
Applicant	)	

-----

**APPLICANT’S MIKE GHORBANI FIRST REQUEST FOR THE PRODUCTION OF  
DOCUMENTS AND THINGS**

Applicant Mike Ghorbani requests that Opposer SATA GmbH & Co. KG (“Sata”) produce the following documents and things within thirty (30) days after date of service.

The Definitions and Instructions set forth in Applicant’s First Set of Interrogatories to Applicant are incorporated herein by reference.

**REQUESTS**

Consistent with the foregoing definitions and instructions, please answer the following interrogatories:

**REQUEST NO. 1:**

All documents relating to Mike Ghorbani, M.G. Distributors Inc., and the use of the EURO mark.

**REQUEST NO. 2:**



All documents relating to every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 3:

All documents relating to the channels of trade for any product that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., in the United States.

REQUEST NO. 4:

All documents relating to the nature and title (if applicable) of the media in which all advertisements of for any of your products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., including the date of, and geographic scope (by city and state) of such advertisements.

REQUEST NO. 5:

All documents relating to your competitors and their competing products for any product that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 6:

All documents relating to any studies, tests, ratings, or surveys related to the quality of the products offered or sold under the mark EURO.

REQUEST NO. 7:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of SATA for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 8:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

REQUEST NO. 9:

All documents relating to each incident, known to you, of actual confusion between your products, and products sold under the name EURO.

REQUEST NO. 10:

All documents relating to your market share in the United States for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 11:

All documents relating to market share of any competitors for HVLP(High volume Low Pressure) spray guns in the United States.

REQUEST NO. 12:

All documents relating to your contention in the complaint that the products sold under the Mark EURO are “inferior in quality to SATA’s goods.”

REQUEST NO. 13:

All documents relating to your contention in the Complaint (Notice of Opposition) that your products are manufactured in Germany.

REQUEST NO. 14:

All documents relating to your contention in the Complaint that your products have superior performance.

REQUEST NO. 15:

All documents relating to the country where each of the following parts (for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.) are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>. L

REQUEST NO. 16:

All documents relating to each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. was believed to be from Europe.

REQUEST NO. 17:

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of HVLP spray guns originating from Europe.

REQUEST NO. 18:

All documents relating to any studies, tests, or surveys related to the United States market share, performance, and quality of products sold by Anest Iwata USA, Inc. in the United States.

REQUEST NO. 19:

All documents relating to identity of the country of final assembly for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

REQUEST NO. 20:

All documents relating to total sales, price, and market share in the United States of HVLP spray guns and any others goods listed for Serial No.: 85/712789.

REQUEST NO. 21:

All documents including packaging and advertising relating to your products labeled or advertised as “Europe Engineered,” “European Engineered,” or “made in Europe.”

Moradian Law  
Payam Moradian

/Payam Moradian/

Attorney for Mike Ghorbani  
10880 Wilshire Blvd, Suite 1101  
Los Angeles, CA 90077  
p@moradianlaw.com  
917-353-1919

# **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been duly served on January 2, 2014 by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854

By: /Payam Moradian/  
Payam Moradian



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

	)	
SATA GmbH & Co. KG	)	
	)	Mark: EURO & Design
Opposer	)	
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	
	)	Opposition No. 91/210813
Applicant	)	
	)	

**OPPOSER SATA GMBH & CO. KG'S RESPONSES AND  
OBJECTIONS TO APPLICANT'S REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS AND THINGS**

Opposer SATA GmbH & Co. KG responds and objects to Applicant Mike Ghorbani's Requests for the Production of Documents and Things as follows:

**GENERAL OBJECTIONS**

**GENERAL OBJECTION NO. 1:**

Opposer objects to the Requests, to each and every individual request contained therein, and to the "Definitions" contained in the Requests, to the extent they are inconsistent with or seek to impose obligations greater than those imposed by the Federal Rules of Civil Procedure and the TBMP.

**GENERAL OBJECTION NO. 2:**

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent they seek the production of documents or information that: (1) are protected by the attorney-client privilege; (2) constitute work product of Opposer's attorneys;

and/or (3) are otherwise privileged. Any inadvertent disclosure of such information shall not be deemed a waiver of the attorney-client privilege, the work product doctrine, or any other applicable privilege or immunity recognized by statute or case law.

**GENERAL OBJECTION NO. 3:**

The subject matter of these requests is under continuing investigation. Accordingly, these responses are limited to and are applicable only to documents and other information which Opposer's counsel has been able to ascertain and locate as of the date hereof. Opposer expressly reserves the right to use, rely upon, and offer into evidence any and all documents and other information responsive to these requests, whether or not presently identified or produced, if the documents or other information responsive to these requests have not been obtained by counsel and deemed responsive by counsel as of the date of this response, or if the responsiveness of the documents or other information has been overlooked in good faith, or if an objection is interposed to producing a document or other information.

**GENERAL OBJECTION NO. 4:**

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent they require Opposer to search for and reveal privileged information from its and its attorneys' files pertaining to this matter.

**GENERAL OBJECTION NO. 5:**

To the extent that the Requests seek confidential or proprietary information pertaining to Opposer's business, trade secrets and/or economic relationships, Opposer will only produce such information subject to the terms of the Protective Order approved by the Trademark Trial and Appeal Board.

**GENERAL OBJECTION NO. 6:**

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent they call for the production of documents or things which are confidential or proprietary to, or contain the trade secrets of, a third party. Each such request is overly broad, unduly burdensome, oppressive, and seeks to impose obligations beyond those permitted by the TBMP and the Federal Rules of Civil Procedure.

**GENERAL OBJECTION NO. 7:**

Opposer objects to the Requests, and to each and every individual request contained therein, to the extent that they call for the production of “all documents” where compliance with such request would be unduly burdensome. In the event a request seeking “all documents” is unduly burdensome, Opposer will produce documents sufficient to respond to Applicant’s request pursuant to TBMP § 419.

**GENERAL OBJECTION NO. 8:**

Opposer objects to the “Definitions” contained in the Requests insofar as they contain instructions rather than definitions for terms and are thus ambiguous.

Opposer expressly incorporates the above General Objections as though set forth fully in response to each of the following individual requests, and, to the extent they are not raised in any particular response, Opposer does not waive those objections. A response to a request shall not be deemed a waiver of any applicable specific or general objection to a request. Likewise, a response to a request shall not be deemed an admission of any assertions contained in that request.

## **RESPONSES**

### **REQUEST NO. 1:**

All documents relating to Mike Ghorbani, M.G. Distributor Inc., and the use of the EURO mark.

#### **Response:**

Opposer objects to this request to the extent that it seeks the production of attorney-client privilege and/or work product protected documents. See responsive documents produced herewith bearing production nos. S 0001 – S 0017.

### **REQUEST NO. 2:**

All documents relating to every product which you sell, offer to sell, or market in the United States which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

#### **Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents....” See General Objection 7. Notwithstanding these objections, Applicant’s attention is directed to responsive documents produced herewith bearing production nos. S 0018 – S 0477.

### **REQUEST NO. 3:**

All documents relating to the channels of trade for any product that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., in the United States.

#### **Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to every product....” See General Objection 7. Notwithstanding these objections, Applicant’s attention is directed to those documents produced herewith bearing production nos. S 0478 – S 0479.

### **REQUEST NO. 4:**

All documents relating to the nature and title (if applicable) of the media in which all advertisements of for any of your products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc., including the date of, and geographic scope (by city and state) of such advertisements.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents” and “all advertisements...” See General Objection 7. In addition, this request is objected to in that it is not written in a manner in which it can be understood. Finally, Opposer objects to this request on the basis that it seeks information which is irrelevant to any issue involved in this Opposition and cannot reasonably be deemed likely to result in the production of documentation relevant in any way to the issues involved in this proceeding.

**REQUEST NO. 5:**

All documents relating to your competitors and their competing products for any products that you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents...” See General Objection 7. Opposer also objects to this request on the basis that it seeks information which is irrelevant to any issue involved in this Opposition and cannot reasonably be deemed likely to result in the production of documentation relevant in any way to the issues involved in this proceeding.

**REQUEST NO. 6:**

All documents relating to any studies, tests, ratings, or surveys related to the quality of the products offered or sold under the mark EURO.

**Response:**

Relevant documentation is produced herewith bearing production Nos. S 0480 - S 0481.

**REQUEST NO. 7:**

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of SATA for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to any studies, tests, ratings, or surveys ....” See General Objection 7. See the websites [www.refinishnetwork.com](http://www.refinishnetwork.com) and [www.powertool-box.com](http://www.powertool-box.com) as well as those documents produced herewith bearing production Nos. S 0482 – S 0485.



**REQUEST NO. 8:**

All documents relating to any studies, tests, ratings, or surveys related to consumer recognition of EURO mark.

**Response:**

No such documents are believed to exist.

**REQUEST NO. 9:**

All documents relating to each incident, known to you, of actual confusion between your products, and products sold under the name EURO.

**Response:**

Opposer has no knowledge of the extent, if any, to which documentation exists relating to such instances.

**REQUEST NO. 10:**

All documents relating to your market share in the United States for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

**Response:**

Opposer objects to this request as being irrelevant to any issue involved in this Opposition and not reasonably likely to lead to the discovery of any information relevant to this proceeding.

**REQUEST NO. 11:**

All documents relating to market share of any competitors for HVLP (High volume Low Pressure) spray guns in the United States.

**Response:**

Opposer objects to this request as being irrelevant to any issue involved in this Opposition and not reasonably likely to lead to the discovery of any information relevant to this proceeding.

**REQUEST NO. 12:**

All documents relating to your contention in the complaint that the products sold under the Mark EURO are "inferior in quality to SATA's goods."

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to your contention....” See General Objection 7. Notwithstanding this objection, see documents produced herewith bearing production nos. S 0480 – S 0481.

**REQUEST NO. 13:**

All documents relating to your contention in the Complaint (Notice of Opposition) that your products are manufactured in Germany.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to your contention....” See General Objection 7. Representative documentation is produced herewith bearing production nos. S 0486 – S 0490.

**REQUEST NO. 14:**

All documents relating to your contention in the Complaint that your products have superior performance.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting “All documents relating to your contention....” See General Objection 7. Relevant documents include those produced herewith bearing production nos. S 0491 – S 0529 and S 0480 - S 0481 produced in response to Request No. 6.

**REQUEST NO. 15:**

All documents relating to the country where each of the following parts (for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.) are manufactured: Air Nozzle, Fluid Inlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup. These parts are identified by a third party in a catalogue available at <<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

**Response:**

Opposer objects to this request as not capable of being understood, requesting as it does documents relating to one or more countries and referring as it does to parts identified by a third party. Notwithstanding this objection, Opposer notes that all of its goods are manufactured at its manufacturing facility in Germany and all components are manufactured in Germany or in other European countries.

**REQUEST NO. 16:**

All documents relating to each incident, known to you, of actual confusion where a product sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc. was believed to be from Europe.

**Response:**

See Opposer's response to Request No. 9 which is incorporated herein by reference.

**REQUEST NO. 17:**

All documents relating to any studies, tests, ratings or surveys related to consumer recognition of HVLP spray guns originating from Europe.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to any studies, tests, ratings or surveys...." See General Objection 7. In addition to documents produced in response to other requests such as Request No. 14, see S 0485. Additional merely representative samples include those documents produced herewith bearing production nos. S 0530 – S 0538.

**REQUEST NO.18:**

All documents relating to any studies, tests, or surveys related to the United States market share, performance, and quality of products sold by Anest Iwata USA, Inc. in the United States.

**Response:**

Opposer objects to this request demanding as it does documents relating to a third party uninvolved in this proceeding. Notwithstanding this objection no such documents are believed to exist.

**REQUEST NO. 19:**

All documents relating to identity of the country of final assembly for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to the country of final assembly...." See General Objection 7. Notwithstanding this objection, see those documents produced herewith bearing production nos. S 0486 – S 0499.

**REQUEST NO. 20:**

All documents relating to total sales, price, and market share in the United States of HVLP spray guns and any other goods listed for Serial No.: 85/712789.

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to total sales...." See General Objection 7. Opposer further objects to this request in that the request calls for documents having neither relevance to the issues involved in this Opposition nor any likelihood of leading to the discovery of information relevant to this proceeding.

**REQUEST NO. 21:**

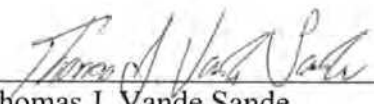
All documents including packaging and advertising relating to your products labeled or advertised as "Europe Engineered," "European Engineered," or "made in Europe."

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents...." See General Objection 7. Notwithstanding this objection, representative documents include those produced herewith bearing production nos. S 0539 - S 0550.

Respectfully submitted,

Date: 2/6/14

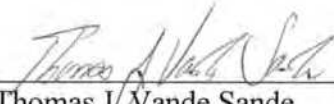
  
\_\_\_\_\_  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

**CERTIFICATE OF SERVICE**

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S RESPONSES AND OBJECTIONS TO APPLICANT'S REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS" and related documents bearing production numbers S 0001 – S 0550 were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esq.  
Adli Law Group P.C.  
633 West Fifth Street, Suite 6900  
Los Angeles, CA 90071

Date: 2/6/14

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500



SATA GmbH & Co. KG		)	Mark: EURO & Design
	Opposer	)	Serial No.: 85/712789
v.		)	Opposition No. 91210813
Mike Ghorbani		)	
	Applicant	)	

**DOCUMENT REQUEST 4:**

**Response:**

Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents" and "all advertisements..." See General Objection 7. In addition, this request is objected to in that it is not written in a manner in which it can be understood. Finally, Opposer objects to this request on the basis that it seeks information which is irrelevant to any issue involved in this Opposition and cannot reasonably be deemed likely to result in the production of documentation relevant in any way to the issues involved in this proceeding.

**Supplemental Response:**

In addition to documents previously produced such as S 0551 - S 0612, see additional representative documents produced herewith. Of these, S 0695- S 0751 appeared in Auto Body Repair Network. S 0613 - S 0694 appeared in Body Shop Business. S 0752 – S 0783 are copies of the SATA News publication. Further supplementation of this Response and related document production will be made in the event that additional related advertisements are located.

**DOCUMENT REQUEST 15:**

All documents relating to the country where each of the following parts (for your products which you contend compete with products sold under the name EURO by Mike Ghorbani or M.G. Distributor, Inc.) are manufactured: Air nozzle, Fluid INlet, Trigger Action, Fluid Nozzle, Needle, Side Port Control, Fluid Control Knob, Forged Aluminum Body, Air Inlet, and cup.

These parts are identified by a third party in a catalogue available at

<<http://www.binks.com/Portals/0/Repository/77-2463R-18.pdf>>.

**Response:**

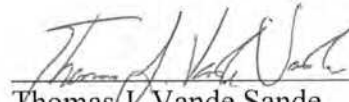
Opposer objects to this request as not capable of being understood, requesting as it does documents relating to one or more countries and referring as it does to parts identified by a third party. Notwithstanding this objection, Opposer notes that all of its goods are manufactured at its manufacturing facility in Germany and all components are manufactured in Germany or in other European countries.

**Supplemental Response:**

Documentation evidencing German manufacturing of SATA adjustment knobs is produced herewith bearing production number S 0788 – S 0789; gun bodies and air nozzles S 0790 -

S0792; RPS cups S 0793 – S 0797; and standard paint cups S 0798 – S 0799. Documentation including Italian manufacturing of SATA guns triggers is produced herewith bearing S 0800.

Date: 12/19/14

  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

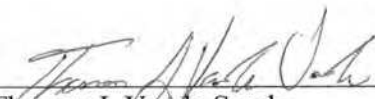
**CERTIFICATE OF SERVICE**

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S SUPPLEMENTAL DOCUMENT REQUEST RESPONSES PURSUANT TO BOARD ORDER OF NOV. 21, 2014" and documents bearing production numbers S 0613 – S 0783, and S 0788 – S 0800 were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire  
Moradian Law  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024

Date:

12/19/14

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE  
TRADEMARK TRIAL AND APPEAL BOARD**

SATA GmbH & Co. KG,	)	
	)	
	)	
Opposer,	)	
	)	
v.	)	Consolidated
	)	Opposition No. <b>91210813</b>
	)	
Mike Ghorbani,	)	Opposition No. 91217915
	)	
Applicant.	)	Cancellation No. 92059849
	)	

**OPPOSER SATA GMBH & CO. KG'S SECOND SUPPLEMENTATION  
OF OPPOSER'S RESPONSE AND OBJECTIONS TO  
APPLICANT'S PRODUCTION REQUEST NO. 17**

Opposer SATA GmbH & Co. KG responds and objects to Applicant Mike Ghorbani's Requests for the Production of Documents and Things as follows:

Opposer expressly incorporates its previously noted General Objections as though set forth fully in response to each of the following individual requests, and, to the extent they are not raised in any particular response, Opposer does not waive those objections. A response to a request shall not be deemed a waiver of any applicable specific or general objection to a request. Likewise, a response to a request shall not be deemed an admission of any assertions contained in that request.

**REQUEST NO. 17:**

All documents relating to any studies, tests, ratings or surveys related to consumer recognition of HVLP spray guns originating from Europe.

**Response:**

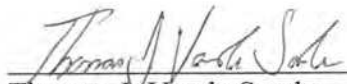
Opposer objects to this request as being overly broad and unduly burdensome in its requesting "All documents relating to any studies, tests, ratings or surveys..." See General Objection 7. In addition to documents produced in response to other requests such as Request No. 14, see S 0485. Additional merely representative samples include those documents produced herewith bearing production nos. S 0530 – S 0538.

**Supplemental Response:** In addition see those documents produced by Opposer bearing production numbers S 0551 – S 0612.

**Second Supplemental Response:** Produced herewith are those documents produced by Opposer bearing production numbers S 0801 – S 0959.

Respectfully submitted,

Date: 8/18/15

  
\_\_\_\_\_  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

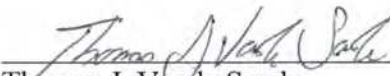


**CERTIFICATE OF SERVICE**

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S SECOND SUPPLEMENTATION OF OPPOSER'S RESPONSE AND OBJECTIONS TO APPLICANT'S PRODUCTION REQUEST NO. 17" and related documents bearing production numbers S 0801 – S 0959 were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire  
Moradian Law  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024

Date: 8/18/15

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500

1964

Otto Peter Klaschus leaves Sanitaria. Dr. Dieter Freiling is appointed CEO. The public company (AG) is converted to a private limited company (GmbH).

1965

Manfred Liphardt joins the company as the new CEO following the exit of Dr. Dieter Freiling.

1968

The field sales force is installed.



Manfred Liphardt

1969

First trade fair presentation at the IAA international motor show in Frankfurt.

1970

SATAjet trademark application (registered in 1971).

1975

Sanitaria celebrates "50 years of SATA paint spray guns".

1980

Alfred Kreidler dies and his shares pass to his widow, Elisabeth Kreidler, and to his descendants, Eva Kreidler and Axel Kreidler.



SATAjet B

1981

Sanitaria GmbH changes its name to SATA Farbspritztechnik GmbH. Richard Beutelschließ joins the company as Technical Director.

Market launch of the legendary SATAjet B paint spray gun.

1982

The company celebrates its 75th anniversary. Technical Director Alfred Gänsbauer retires.



75th anniversary celebration

1986-1990

The production facilities are gradually relocated to the industrial park of Kornwestheim.

1987

The company changes its name to SATA Farbspritztechnik GmbH & Co.

1988

First replica of a SATA spray gun emerges from Taiwan.

1990

HVLP technology (High Volume Low Pressure).

1992

Company move is concluded with the completion of the administration building in Kornwestheim and relocation of the remaining administrative departments.



Administration building

1995

SATA is certified for the first time as conforming to DIN EN ISO 9001.

1998

Albrecht Kruse joins the company as the new CEO. After 33 years in management, Manfred Liphardt retires. Death of Elisabeth Kreidler. Her shares pass to Eva Kreidler and Axel Kreidler.



Albrecht Kruse

1999

Market launch of the SATAjet 2000 HVLP. SATA contends with increasing product piracy. SATA forgers SATEX made by Turkish firm Mersin is presented with the 1999 Plagiarism gnome award, a "negative award" for one of the most brazen forgeries.



SATAjet 2000 HVLP

# SATA HVLP SPRAY GUNS

## SATAjet 100 B F HVLP

### HVLP Primer/Filler or All Purpose Gravity Gun

*Use for high quality primer/filler/sealer coatings in automotive refinish or general use by the handyman.*

Professionals know that a dedicated primer/filler gun is just as important as a topcoat gun. The SATAjet 100 B HVLP is perfect because of its great atomization, low investment cost and large selection of nozzle sizes. Control adjustments are easy, and it features even material distribution across the large fan. With a recommended inlet pressure of 29 psi, air consumption is only 12.4 cfm. The SATA 100 BF HVLP far exceeds the required transfer efficiency of 65%. Decreased overspray combined with fine atomization saves time and material resulting in less masking and sanding. The stainless steel needle and fluid tip makes it excellent for spraying waterborne, as well as solvent base products.

The SATAjet 100 B HVLP is easy to clean and built to last. Choose an aluminum or plastic cup. The 100 B may also be used with the SATA RPS cup. This low cost primer/filler gun has variable fan control, fluid adjustment and built-in air micrometer. The gun body has a smooth anodized finish, and the green air cap ring identifies it as HVLP.

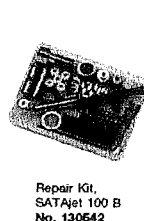
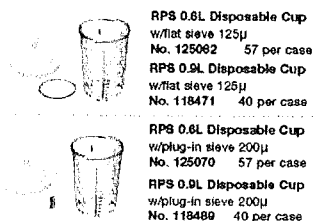
**Technical Data**

Weight: ..... 15.3 oz (without cup)  
 Operating Pressure: ..... 29 psi  
 Air Consumption: ..... 12.4 cfm @ 29 psi  
 Finish: ..... Smooth anodized finish  
 Spray Distance..... 5 - 7 inches

#### Nozzle Size

SATA 100 B F HVLP	1.4	1.7	1.9	2.1
0.75L Aluminum cup	147447	146175	146183	147454
1.0L Aluminum cup	146399	146191	146209	147462
0.6L Plastic cup	146373	145722	145730	145748
<b>Nozzle Sets</b>	146381	145417	145425	145433
<b>Test Air Cap</b>	157214	157214	157214	157214

Parts Breakdown - Pg. 79



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S 0482



SATA jet 1000  
1,4

Projekt / Auftrag	14-005
Datum	24.01.2014
Name	Wolter
Pistole	Jet1000 B HVLP
Pist. Nr.:	
Luftd.	1,4
Farbd.	1,4
Material.	SpiesHecker 275
Visk. DIN 4	20sek.
Spritzabst. [cm]	15
Strahlabmess. [cm]	23
Mat. Durchsatz [g/min]	187
Innendruck R [bar]	
Innendruck B [bar]	
Pistoleneing. [bar]	2,0
Bemerkung	

Euro 3200  
Agl. 15 cm  
SD. 2,0 bar  
Abs. 15 cm  
SD 24,5 cm

Projekt / Auftrag	14-005
Datum	24.01.2014
Name	Wolter
Pistole	Euro3200 HVLP
Pist. Nr.:	
Luftd.	1,3
Farbd.	1,3
Material.	SpiesHecker 275
Visk. DIN 4	20sek.
Spritzabst. [cm]	15
Strahlabmess. [cm]	24,5
Mat. Durchsatz [g/min]	116
Innendruck R [bar]	
Innendruck B [bar]	
Pistoleneing. [bar]	2,0
Bemerkung	



Projekt / Auftrag	14-005
Datum	24.01.2014
Name	Wolter
Pistole	Jet1000 B RP
Pist. Nr.:	
Luftd.	1,3
Farbd.	1,3
Material.	SpiesHecker 275
Visk. DIN 4	20sek.
Spritzabst. [cm]	19
Strahlabmess. [cm]	23
Mat. Durchsatz [g/min]	182
Innendruck R [bar]	
Innendruck B [bar]	
Pistoleneing. [bar]	2,0
Bemerkung	

P

Euro 3200 MRP 1.3  
DS 171 g/min  
SD 2,0 bar  
Abs . 19 cm  
SB 25 cm

Projekt / Auftrag	14-005
Datum	24.01.2014
Name	Wolter
Pistole	
Pist. Nr.:	
Luftd.	1,3
Farbd.	1,3
Material.	SpiesHecker 275
Visk. DIN 4	20sek.
Spritzabst. [cm]	19
Strahlabmess. [cm]	25
Mat. Durchsatz [g/min]	171
Innendruck R [bar]	
Innendruck B [bar]	
Pistoleneing. [bar]	2,0
Bemerkung	



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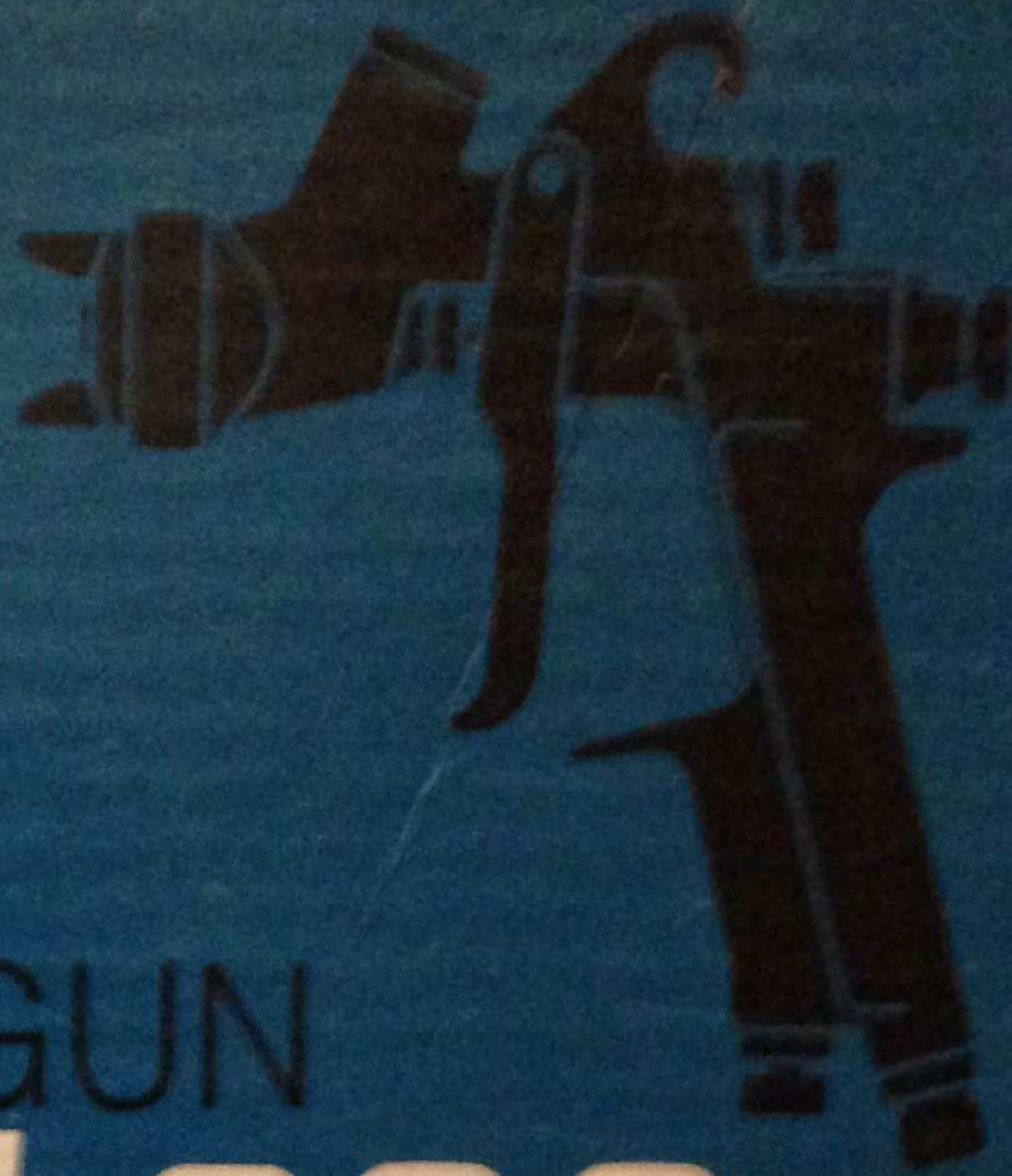
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**W-300**



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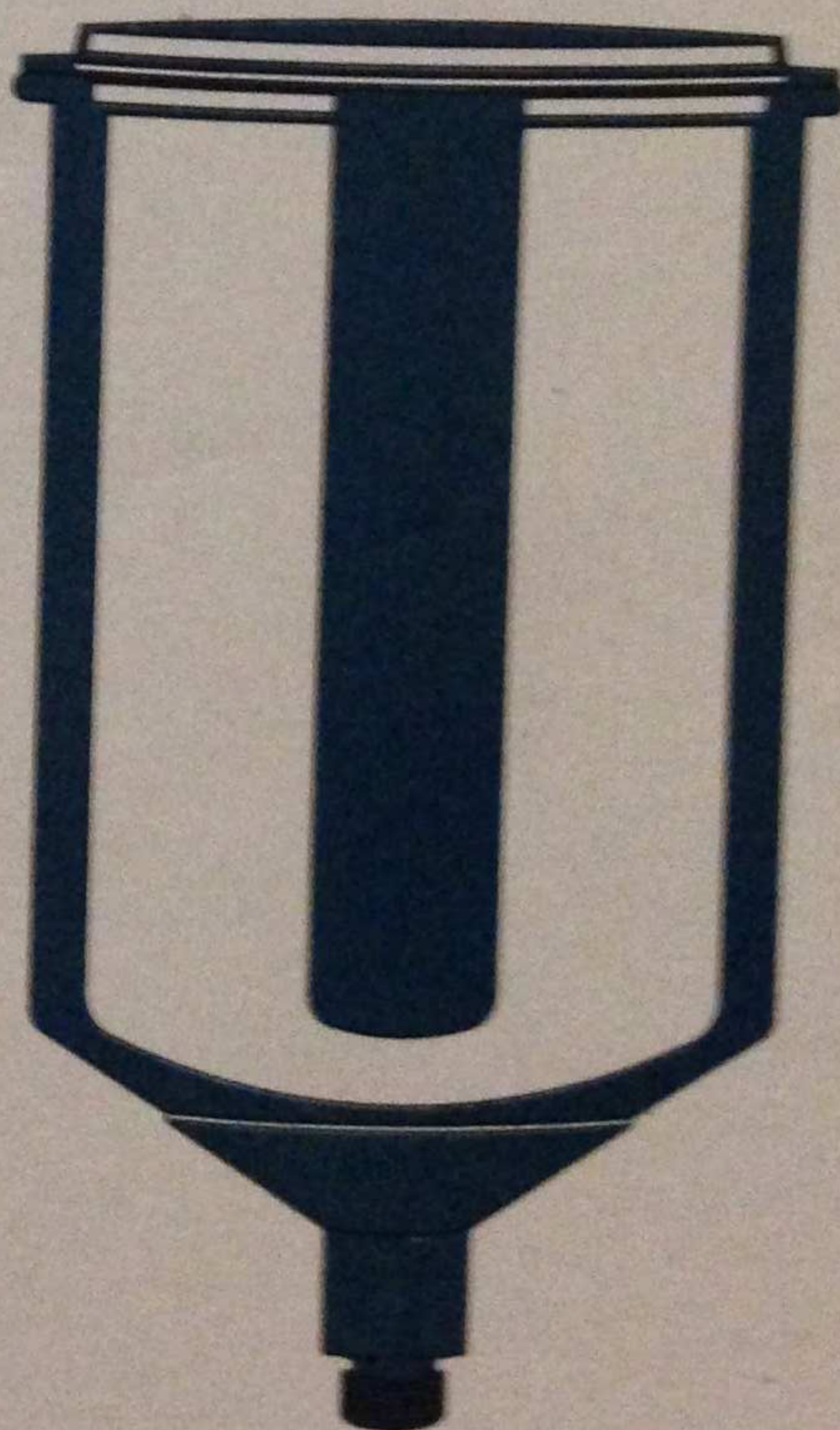




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700ml G1/4B



**PCG-7-2.TA**

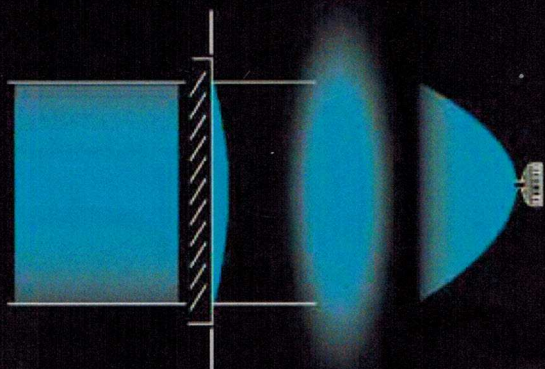


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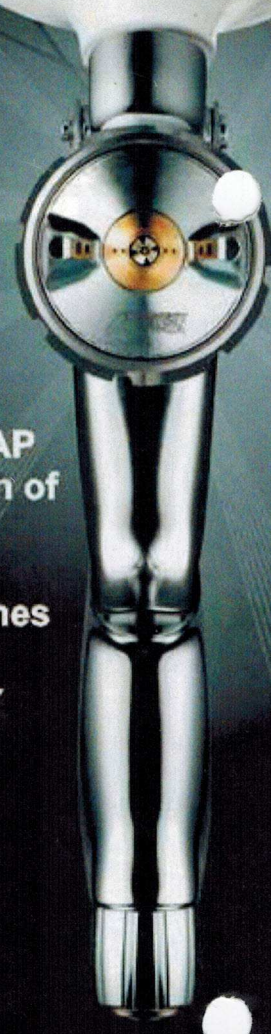
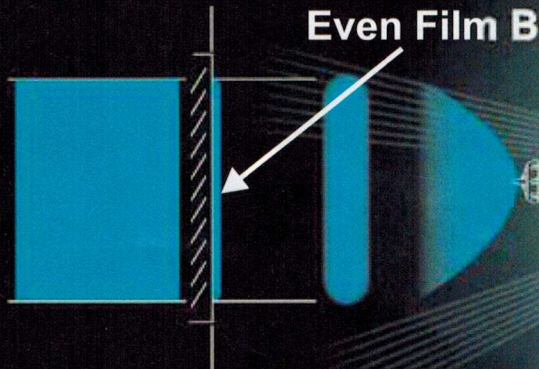
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400ml #6031D



PCG2D-2  
150ml #6030D



PCG1D-1  
#6050  
3oz Alum.  
EPA Comp.  
Adapter #6051

Model	Gun Only	PCG600P-2 600ml Plastic #6039	PCG7D-2 700ml Alum #6032D	PCG10D-2 1000ml Alum #6038D	Air Cap #	Nozzle mm (inch)	Atomizing PSI	CFM	Fluid ml/min	Pattern mm (inch)	Weight g (lbs)
WS400-1201 HD	5900	5901	5902	5903	WS-400-01	1.2 (0.047)	29	12.57	200	365 (14.38)	423 (0.93)
WS400-OBS	5920	5921	5922	5923		1.3 (0.051)	29	12.57	160	365 (14.38)	423 (0.93)
WS400-1301 HD	5905	5906	5907	5908		1.3 (0.051)	29	12.57	220	365 (14.38)	423 (0.93)
WS400-1401 HD	5910	5911	5912	5913		1.4 (0.055)	29	12.57	240	370 (14.57)	423 (0.93)
WS400-1501 HD	5915	5916	5917	5918		1.5 (0.059)	29	12.57	260	370 (14.57)	423 (0.93)
All Supernova Guns    Air Inlet 1/4"    Fluid Inlet 1/4" Female											



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## Europe

From Wikipedia, the free encyclopedia

Europe (<sup>i</sup>ˈjoʊərəp/ EWR-əp or <sup>i</sup>ˈjɜːrəp/ YUR-əp<sup>[2]</sup>) is, by convention, one of the world's seven continents. Comprising the westernmost peninsula of Eurasia, Europe is generally divided from Asia by the watershed divides of the Ural and Caucasus Mountains, the Ural River, the Caspian and Black Seas, and the waterways connecting the Black and Aegean Seas.<sup>[3]</sup>

Europe is bordered by the Arctic Ocean to the north, the Atlantic Ocean to the west, the Mediterranean Sea to the south, and the Black Sea and connected waterways to the southeast. Yet the borders of Europe—a concept dating back to classical antiquity—are somewhat arbitrary, as the primarily physiographic term "continent" can incorporate cultural and political elements.

Europe is the world's second-smallest continent by surface area, covering about 10,180,000 square kilometres (3,930,000 sq mi) or 2% of the Earth's surface and about 6.8% of its land area. Of Europe's approximately 50 countries, Russia is by far the largest by both area and population, taking up 40% of the continent (although the country has territory in both Europe and Asia), while Vatican City is the smallest. Europe is the third-most populous continent after Asia and Africa, with a population of 739-743 million or about 11% of the world's population.<sup>[4]</sup> The most commonly used currency is the euro.

Europe, in particular Ancient Greece and Ancient Rome, is the birthplace of Western culture.<sup>[5]</sup> It played a predominant role in global affairs from the 15th century onwards, especially after the beginning of colonialism. Between the 16th and 20th centuries, European nations controlled at various times the Americas, most of Africa, Oceania, and large portions of Asia. The Industrial Revolution, which began in Great Britain around the end of the 18th century, gave rise to radical economic, cultural, and social change in Western Europe, and eventually the wider world. Demographic growth meant that, by 1900, Europe's share of the world's population was 25%.<sup>[6]</sup>











Both world wars were largely focused upon Europe, greatly contributing to a decline in Western European dominance in world affairs by the mid-20th century as the United States and Soviet Union took prominence.<sup>[7]</sup> During the Cold War, Europe was divided along the Iron Curtain between NATO in the west and the Warsaw Pact in the east. European integration led to the formation of the Council of Europe and the European Union in Western Europe, both of which have been expanding eastward since the revolutions of 1989 and the fall of the Soviet Union in 1991. The European Union nowadays has growing influence over its member countries. Many European countries are members of the Schengen Area, which abolishes border and immigration controls among its members.

# Contents

- 1 Definition
- 2 Etymology
- 3 History
  - 3.1 Prehistory
  - 3.2 Classical antiquity
  - 3.3 Early Middle Ages
  - 3.4 Middle Ages
  - 3.5 Early modern period

## Europe



Area	10,180,000 km2 (3,930,000 sq mi)[n]
Population	742,452,000[n] (2013, 3rd)
Pop. density	72.9/km2 (about 188/sq mi)
Demonym	European
Countries	50 (and 6 disputed) (list of countries)
Languages	List of languages
Time zones	UTC to UTC+6
Internet TLD	.eu (European Union)
Largest cities	Metropolitan areas in Europe <div> <div></div> <div>Moscow</div> <div></div> <div>Istanbul</div> <div></div> <div>Paris</div> <div></div> <div>London</div> <div></div> <div>Essen-Dusseldorf</div> <div></div> <div>Madrid</div> <div></div> <div>Milan</div> <div></div> <div>Saint Petersburg</div> <div></div> <div>Barcelona</div> <div></div> <div>Berlin<sup>[1]</sup></div> </div>



- 3.6 18th and 19th centuries
  - 3.7 20th century to the present
- 4 Geography
  - 4.1 Climate
  - 4.2 Geology
    - 4.2.1 Geological history
  - 4.3 Biodiversity
- 5 Political geography
- 6 Integration
- 7 Economy
  - 7.1 Pre–1945: Industrial growth
  - 7.2 1945–1990: The Cold War
  - 7.3 1991–2007: Integration and reunification
  - 7.4 2008–2010: Recession
- 8 Demographics
  - 8.1 Language
  - 8.2 Religion
- 9 Culture
- 10 See also
- 11 Notes
- 12 References
- 13 External links

## Definition

Clickable map of Europe, showing one of the most commonly used continental boundaries<sup>[8]</sup>

Key: **blue**: states which straddle the border between Europe and Asia; **green**: states not geographically in Europe, but closely associated politically<sup>[9]</sup>





Reconstruction of Herodotus' world map

The use of the term "Europe" has developed gradually throughout history.<sup>[10][11]</sup> In antiquity, the Greek historian Herodotus mentioned that the world had been divided by unknown persons into three parts, Europe, Asia, and Libya (Africa), with the Nile and the River Phasis forming their boundaries—though he also states that some considered the River Don, rather than the Phasis, as the boundary between Europe and Asia.<sup>[12]</sup> Europe's eastern frontier was defined in the 1st century by geographer Strabo at the River Don.<sup>[13]</sup> The Book of Jubilees described the

continents as the lands given by Noah to his three sons; Europe was defined as stretching from the Pillars of Hercules at the Strait of Gibraltar, separating it from North Africa, to the Don, separating it from Asia.<sup>[14]</sup>

A cultural definition of Europe as the lands of Latin Christendom coalesced in the 8th century, signifying the new cultural condominium created through the confluence of Germanic traditions and Christian-Latin culture, defined partly in contrast with Byzantium and Islam, and limited to northern

Iberia, the British Isles, France, Christianized western Germany, the Alpine regions and northern and central Italy.<sup>[15]</sup> The concept is one of the lasting legacies of the Carolingian Renaissance: "Europa" often figures in the letters of Charlemagne's court scholar, Alcuin.<sup>[16]</sup> This division—as much cultural as geographical—was used until the Late Middle Ages, when it was challenged by the Age of Discovery.<sup>[17][18]</sup> The problem of redefining Europe was finally resolved in 1730 when, instead of waterways, the Swedish geographer and cartographer von Strahlenberg proposed the Ural Mountains as the most significant eastern boundary, a suggestion that found favour in Russia and throughout Europe.<sup>[19]</sup>



A medieval T and O map from 1472 showing the three continents as domains of the sons of Noah — Asia to Sem (Shem), Europe to Iafeth (Japheth), and Africa to Cham (Ham)



Europe is now generally defined by geographers as the westernmost peninsula of Eurasia, with its boundaries marked by large bodies of water to the north, west and south; Europe's limits to the far east are usually taken to be the Urals, the Ural River, and the Caspian Sea; to the southeast, including the Caucasus Mountains, the Black Sea and the waterways connecting the Black Sea to the Mediterranean Sea.<sup>[20]</sup> Because of sociopolitical and cultural differences, there are various descriptions of Europe's boundary. For example, Cyprus is approximate to Anatolia (or Asia Minor), but is usually considered part of Europe both culturally and politically and currently is a member state of the EU. In addition, Malta was considered an island of North Africa for centuries,<sup>[21]</sup> while Iceland, though nearer to Greenland (North America), is also generally included in Europe.

Sometimes, the word 'Europe' is used in a geopolitically limiting way<sup>[22]</sup> to refer only to the European Union or, even more exclusively, a culturally defined core. On the other hand, the Council of Europe has 47 member countries, and only 28 member states are in the EU.<sup>[23]</sup> In addition, people living in areas such as Ireland, the United Kingdom, the North Atlantic and Mediterranean islands and also in Scandinavia may routinely refer to "continental" or "mainland" Europe simply as Europe or "the Continent".<sup>[24]</sup>

## Etymology

In ancient Greek mythology, Europa was a Phoenician princess whom Zeus abducted after assuming the form of a dazzling white bull. He took her to the island of Crete where she gave birth to Minos, Rhadamanthus, and Sarpedon. For Homer, Europe (Ancient Greek: Εὐρώπη, Eurṓpē; see also List of Greek place names) was a mythological queen of Crete, not a geographical designation.

The etymology of Europe is uncertain.<sup>[25]</sup> One theory suggests that it is derived from the Greek εὐρύς (eurus), meaning "wide, broad"<sup>[26]</sup> and ὤψ/ὠπ-/ὀπτ- (ōps/ōp-/opt-), meaning "eye, face, countenance",<sup>[27]</sup> hence Eurṓpē, "wide-gazing", "broad of aspect" (compare with glaukōpis (γλαυκῶπις 'grey-eyed') Athena or boōpis (βοῶπις 'ox-eyed') Hera). Broad has been an epithet of Earth itself in the reconstructed Proto-Indo-European religion.<sup>[28]</sup> Another theory suggests that it is based on a Semitic word such as the Akkadian erebu meaning "to go down, set" (cf. Occident), cognate to Phoenician 'ereb "evening; west" and Arabic Maghreb, Hebrew ma'ariv (see also Erebus, PIE \*h<sub>1</sub>regʷos, "darkness"). However, Martin Litchfield West states that "phonologically, the match between Europa's name and any form of the Semitic word is very poor".<sup>[29]</sup>

Whatever the origin of the name of the mythological figure, Εὐρώπη is first used as a geographical term in the 6th century BC, by Greek geographers such as Anaximander and Hecataeus. Anaximander placed the boundary between Asia and Europe along the Phasis River (the modern Rioni) in the Caucasus, a convention still followed by Herodotus in the 5th century BC.<sup>[30]</sup> But the convention received by the Middle Ages and surviving into modern usage is that of the Roman era used by Roman era authors such as Posidonius,<sup>[31]</sup> Strabo<sup>[32]</sup> and Ptolemy,<sup>[33]</sup> who took the Tanais (the modern Don River) as the boundary. The term "Europe" is first used for a cultural sphere in the Carolingian Renaissance of the 9th century. From that time, the term designated the sphere of influence of the Western Church, as opposed to both the Eastern Orthodox churches and to the Islamic world. The modern convention, enlarging the area of "Europe" somewhat to the east and the southeast, develops in the 19th century.

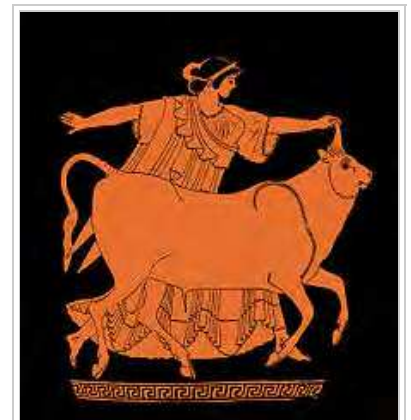
Most major world languages use words derived from "Europa" to refer to the "continent" (peninsula). Chinese, for example, uses the word Ōuzhōu (歐洲); a similar Chinese-derived term Ōshū (欧州) is also sometimes used in Japanese such as in the Japanese name of the European Union, Ōshū Rengō (欧州連合), despite the katakana Yōroppa (ヨーロッパ) being more commonly used. However, in some Turkic languages the originally Persian name Frangistan (land of the Franks) is used casually in referring to much of Europe, besides official names such as Avrupa or Evropa.<sup>[34]</sup>

## History

### Prehistory



Europa regina map from Münster (1570). The British Isles and Scandinavia are not included in Europe proper.



Europa and the bull on a Greek vase. Tarquinia Museum, c. 480 BC



*Homo erectus georgicus*, which lived roughly 1.8 million years ago in Georgia, is the earliest hominid to have been discovered in Europe.<sup>[35]</sup>



Ġgantija, Malta



Stonehenge, England

Other hominid remains, dating back roughly 1 million years, have been discovered in Atapuerca, Spain.<sup>[36]</sup> Neanderthal man (named after the Neandertal valley in Germany) appeared in Europe 150,000 years ago and disappeared from the fossil record about 28,000 BC, with this extinction probably due to climate change, and their final refuge being present-day Portugal. The Neanderthals were supplanted by modern humans (Cro-Magnons), who appeared in Europe around 43 to 40 thousand years ago.<sup>[37]</sup>

The European Neolithic period—marked by the cultivation of crops and the raising of livestock, increased numbers of settlements and the widespread use of pottery—began around 7000 BC in Greece and the Balkans, probably influenced by earlier farming practices in Anatolia and the Near East.<sup>[38]</sup> It spread from the Balkans along the valleys of the Danube and the Rhine (Linear Pottery culture) and along the Mediterranean coast (Cardial culture). Between 4500 and 3000 BC, these central European neolithic cultures developed further to the west and the north, transmitting newly acquired skills in producing copper artefacts. In Western Europe the Neolithic period was characterized not by large agricultural settlements but by field monuments, such as causewayed enclosures, burial mounds and megalithic tombs.<sup>[39]</sup> The Corded Ware cultural horizon flourished at the transition from the Neolithic to the Chalcolithic. During this period giant megalithic monuments, such as the Megalithic Temples of Malta and Stonehenge, were constructed throughout Western and Southern Europe.<sup>[40][41]</sup> The European Bronze Age began c. 3200 BC in Greece.<sup>[42]</sup>



The Lady of Vinča, neolithic pottery from Serbia



The Nebra sky disk from Bronze Age Germany

The European Iron Age began around 1200 BC.<sup>[43]</sup> Iron Age colonisation by the Greeks and Phoenicians gave rise to early Mediterranean cities. Early Iron Age Italy and Greece from around the 8th century BC gradually gave rise to historical Classical antiquity.

## Classical antiquity



The Greek Temple of Apollo, Paestum, Italy

Ancient Greece had a profound influence on Western civilisation. Western democratic and individualistic culture are often attributed to Ancient Greece.<sup>[44]</sup> The Greeks invented the polis, or city-state, which played a fundamental role in their concept of identity.<sup>[45]</sup> These Greek political ideals were rediscovered in the late 18th century by European philosophers and idealists. Greece also generated many cultural contributions: in philosophy, humanism and rationalism under Aristotle, Socrates and Plato; in history with Herodotus and Thucydides; in dramatic and narrative verse, starting with the epic poems of Homer;<sup>[44]</sup> in medicine with Hippocrates and Galen; and in science with Pythagoras, Euclid and Archimedes.<sup>[46][47][48]</sup>

Another major influence came on Europe that would impact Western civilisation from the Roman Empire which left its

mark on law, politics, language, engineering, architecture, government and many more aspects in western civilization.<sup>[49]</sup> During the *pax romana*, the Roman Empire expanded to encompass the entire Mediterranean Basin and much of Europe.<sup>[50]</sup>

Stoicism influenced Roman emperors such as Hadrian, Antoninus Pius, and Marcus Aurelius, who all spent time on the Empire's northern border fighting Germanic, Pictish and Scottish tribes.<sup>[51][52]</sup> Christianity was eventually legitimised by Constantine I after three centuries of imperial persecution.

## Early Middle Ages

During the decline of the Roman Empire, Europe entered a long period of change arising from what historians call the "Age of Migrations". There were numerous invasions and migrations amongst the Ostrogoths, Visigoths, Goths, Vandals, Huns, Franks, Angles, Saxons, Slavs, Avars, Bulgars and, later on, the Vikings, Pechenegs, Cumans and Magyars.<sup>[50]</sup> Renaissance thinkers such as Petrarch would later refer to this



The Roman Empire at its greatest extent



as the "Dark Ages".<sup>[53]</sup> Isolated monastic communities were the only places to safeguard and compile written knowledge accumulated previously; apart from this very few written records survive and much literature, philosophy, mathematics, and other thinking from the classical period disappeared from Europe.<sup>[54]</sup>

From the 7th century, Byzantine history was greatly affected by the rise of Islam and the Caliphates. Muslim Arabs first invaded historically Roman territory under Abū Bakr, first Caliph of the Rashidun Caliphate, who entered Roman Syria and Roman Mesopotamia. Under Umar, the second Caliph, the Muslims decisively conquered Syria and Mesopotamia, as well as Roman Palestine, Roman Egypt, and parts of Asia Minor and Roman North Africa. This trend continued under Umar's successors and under the Umayyad Caliphate, which conquered the rest of Mediterranean North Africa and most of the Iberian Peninsula. Over the next centuries Muslim forces were able to take further European territory, including Cyprus, Malta, Crete, Sicily and parts of southern Italy.<sup>[55]</sup> In the East, Volga Bulgaria became an Islamic state in the 10th century.<sup>[56]</sup>

The Muslim conquest of Hispania began when the Moors (mostly Berbers with some Arabs) invaded the Christian Visigothic kingdom of Iberia in the year 711, under their Berber leader Tariq ibn Ziyad. They landed at Gibraltar on 30 April and worked their way northward. Tariq's forces were joined the next year by those of his superior, Musa ibn Nusair. During the eight-year campaign most of the Iberian Peninsula was brought under Muslim rule — save for small areas in the northwest (Asturias) and largely Basque regions in the Pyrenees, with the exception of the Basque Banu Qasi Muslim dynasty. This territory, under the Arabic name Al-Andalus, became part of the expanding Umayyad empire.



Europe c. 650



Charlemagne's empire in 843:

Frankia, Tributaries, ---  
Occupied



Roland pledges fealty to  
Charlemagne, Holy  
Roman Emperor



Delegations of Croats and  
Serbs at Byzantine court  
of Basil I

The unsuccessful second siege of Constantinople (717) weakened the Umayyad dynasty and reduced their prestige. After their success in overrunning Iberia, the conquerors moved northeast across the Pyrenees, but were defeated by the Frankish leader Charles Martel at the Battle of Poitiers in 732, though they continued to raid and capture cities as far as Avignon. The Umayyads were overthrown in 750 by the 'Abbāsids and most of the Umayyad clan massacred.

A surviving Umayyad prince, Abd al-Rahman I, escaped to Iberia and founded a new Umayyad dynasty in the Emirate of Cordoba, (756). Charles Martel's son, Pippin the Short retook Narbonne, and his grandson Charlemagne established the Marca Hispanica across the Pyrenees in part of what today is Catalonia, reconquering Girona in 785 and Barcelona in 801. The Umayyads in Iberia proclaimed themselves caliphs in 929.

During the Dark Ages, the Western Roman Empire fell under the control of various tribes. The Germanic and Slav tribes established their domains over Western and Eastern Europe respectively.<sup>[57]</sup> Eventually the Frankish tribes were united under Clovis I.<sup>[58]</sup> Charlemagne, a Frankish king of the Carolingian dynasty who had conquered most of Western Europe, was anointed "Holy Roman Emperor" by the Pope in 800. This led in 962 to the founding of the Holy Roman Empire, which eventually became centred in the German principalities of central Europe.<sup>[59]</sup>

East Central Europe saw the creation of Slavic states and the adoption of Christianity (circa 1000 AD). Powerful West Slavic state of Great Moravia spread its territory all the way south to the Balkan Slavs. Moravia reached its largest territorial extent under Svatopluk I and caused a series of armed conflicts with East Francia. Further south, placed between the Frankish Empire and the Byzantines, the first South Slavic states emerged in the 8th century: First Bulgarian Empire, Serbian Principality (later Kingdom and Empire) and Duchy of Croatia (later Kingdom of Croatia).

The predominantly Greek speaking Eastern Roman Empire retroactively became known in the West as the Byzantine Empire. Its capital was Constantinople. Emperor Justinian I presided over Constantinople's first golden age: he established a legal code, funded the construction of the Hagia Sophia and brought the Christian church under state control.<sup>[60]</sup> Fatally weakened by the sack of Constantinople in 1204, during the Fourth Crusade,<sup>[61][62][63][64][65][66][67][68][69]</sup> Byzantium fell in 1453 when it was conquered by the Ottoman Empire.<sup>[70][71][72]</sup>

## Middle Ages

The economic growth of Europe around the year 1000, together with the lack of safety on the mainland trading routes, made possible the development of major commercial routes along the coast of the Mediterranean Sea. In this context, the growing independence acquired by some coastal cities gave the Maritime Republics a leading role in the European scene.





Tancred of Sicily and Philip II of France, during the Third Crusade

The Middle Ages on the mainland were dominated by the two upper echelons of the social structure: the nobility and the clergy. Feudalism developed in France in the Early Middle Ages and soon spread throughout Europe.<sup>[73]</sup> A struggle for influence between the nobility and the monarchy in England led to the writing of the Magna Carta and the establishment of a parliament.<sup>[74]</sup> The primary source of culture in this period came from the Roman Catholic Church. Through monasteries and cathedral schools, the Church was responsible for education in much of Europe.<sup>[73]</sup>

The Papacy reached the height of its power during the High Middle Ages. An East-West Schism in 1054 split the former Roman Empire religiously, with the Eastern Orthodox Church in the Byzantine Empire and the Roman Catholic Church in the former Western Roman Empire. In 1095 Pope Urban II called for a crusade against Muslims occupying Jerusalem and the Holy Land.<sup>[75]</sup> In Europe itself, the Church organised the Inquisition against heretics. In Spain, the Reconquista concluded with the fall of Granada in 1492, ending over seven centuries of Islamic rule in the Iberian Peninsula.<sup>[76]</sup>

In the 11th and 12th centuries, constant incursions by nomadic Turkic tribes, such as the Pechenegs and the Cuman-Kipchaks, caused a massive migration of Slavic populations to the safer, heavily forested regions of the north and temporarily halted the expansion of the Rus' state to the south and east.<sup>[77]</sup> Like many other parts of Eurasia, these territories were overrun by the Mongols.<sup>[78]</sup> The invaders, who became known as Tatars, were mostly Turkic-speaking peoples under Mongol suzerainty. They established the state of the Golden Horde with headquarters in Crimea, which later adopted Islam as a religion and ruled over modern-day southern and central Russia for more than three centuries.<sup>[79][80]</sup> After the collapse of Mongol dominions, the first Romanian states (principalities) emerged in the 14th century: Moldova and Walachia. Previously, these territories were under the successive control of Pechenegs and Cumans.<sup>[81]</sup>

The Great Famine of 1315–1317 was the first crisis that would strike Europe in the late Middle Ages.<sup>[82]</sup> The period between 1348 and 1420 witnessed the heaviest loss. The population of France was reduced by half.<sup>[83][84]</sup> Medieval Britain was afflicted by 95 famines,<sup>[85]</sup> and France suffered the effects of 75 or more in the same period.<sup>[86]</sup> Europe was devastated in the mid-14th century by the Black Death, one of the most deadly pandemics in human history which killed an estimated 25 million people in Europe alone—a third of the European population at the time.<sup>[87]</sup>

The plague had a devastating effect on Europe's social structure; it induced people to live for the moment as illustrated by Giovanni Boccaccio in *The Decameron* (1353). It was a serious blow to the Roman Catholic Church and led to increased persecution of Jews, foreigners, beggars and lepers.<sup>[88]</sup>

The plague is thought to have returned every generation with varying virulence and mortalities until the 18th century.<sup>[89]</sup> During this period, more than 100 plague epidemics swept across Europe.<sup>[90]</sup>

## Early modern period



The School of Athens by Raphael: Contemporaries such as Michelangelo and Leonardo da Vinci (centre) are portrayed as classical scholars

The Renaissance was a period of cultural change originating in Florence and later spreading to the rest of Europe. in the 14th century. The rise of a new humanism was accompanied by the recovery of forgotten classical Greek and Arabic knowledge from monastic libraries, often re-translated from Arabic into Latin.<sup>[91][92][93]</sup> The Renaissance spread across Europe between the 14th and 16th centuries: it saw the flowering of art, philosophy, music, and the sciences, under the joint patronage of royalty, the nobility, the Roman Catholic Church, and an emerging merchant class.<sup>[94][95][96]</sup> Patrons in Italy, including the Medici family of Florentine bankers and the Popes in Rome, funded prolific quattrocento and cinquecento artists such as Raphael, Michelangelo, and Leonardo da Vinci.<sup>[97][98]</sup>

Political intrigue within the Church in the mid-14th century caused the Great Schism. During this forty-year period, two popes—one in Avignon and one in Rome—claimed rulership over the Church. Although the schism was eventually healed in 1417, the papacy's spiritual authority had suffered greatly.<sup>[99]</sup>



The sacking of Suzdal by Batu Khan in 1238, during the Mongol invasion of Europe.



The Church's power was further weakened by the Protestant Reformation (1517–1648), initially sparked by the works of German theologian Martin Luther, a result of the lack of reform within the Church. The Reformation also damaged the Holy Roman Empire's power, as German princes became divided between Protestant and Roman Catholic faiths.<sup>[100]</sup> This eventually led to the Thirty Years War (1618–1648), which crippled the Holy Roman Empire and devastated much of Germany, killing between 25 and 40 percent of its population.<sup>[101]</sup> In the aftermath of the Peace of Westphalia, France rose to predominance within Europe.<sup>[102]</sup>

The 17th century in southern, central and eastern Europe was a period of general decline.<sup>[103]</sup> Central and Eastern Europe experienced more than 150 famines in a 200-year period between 1501 to 1700.<sup>[104]</sup> From the 15th to 18th centuries, when the disintegrating khanates of the Golden Horde were conquered by Russia, Tatars from the Crimean Khanate frequently raided Eastern Slavic lands to capture slaves.<sup>[105]</sup> The Battle of Vienna in 1683 broke the advance of the Ottoman Turks into Europe, and marked the political hegemony of the Habsburg dynasty in central Europe.

The Renaissance and the New Monarchs marked the start of an Age of Discovery, a period of exploration, invention, and scientific development.<sup>[106]</sup> Among the great figures of the Western scientific revolution of the 16th and 17th centuries were Copernicus, Kepler, Galileo, and Isaac Newton.<sup>[107]</sup> According to Peter Barrett, "It is widely accepted that 'modern science' arose in the Europe of the 17th century (towards the end of the Renaissance), introducing a new understanding of the natural world."<sup>[91]</sup> In the 15th century, Portugal and Spain, two of the greatest naval powers of the time, took the lead in exploring the world.<sup>[108][109]</sup> Christopher Columbus reached the New World in 1492, and soon after the Spanish and Portuguese began establishing colonial empires in the Americas.<sup>[110]</sup> France, the Netherlands and England soon followed in building large colonial empires with vast holdings in Africa, the Americas, and Asia.



Martin Luther initiated the Protestant Reformation

## 18th and 19th centuries



Napoleon's retreat from Russia in 1812. Napoleon's Grande Armée had lost about half a million men.

The Age of Enlightenment was a powerful intellectual movement during the 18th century promoting scientific and reason-based thoughts.<sup>[111][112][113]</sup> Discontent with the aristocracy and clergy's monopoly on political power in France resulted in the French Revolution and the establishment of the First Republic as a result of which the monarchy and many of the nobility perished during the initial reign of terror.<sup>[114]</sup> Napoleon Bonaparte rose to power in the aftermath of the French Revolution and established the First French Empire that, during the Napoleonic Wars, grew to encompass large parts of Europe before collapsing in 1815 with the Battle of Waterloo.<sup>[115][116]</sup>

Napoleonic rule resulted in the further dissemination of the ideals of the French Revolution, including that of the nation-state, as well as the widespread adoption of the French models of administration, law, and education.<sup>[117][118][119]</sup> The Congress of Vienna, convened after Napoleon's downfall, established a new balance of power in Europe centred on the five "Great Powers": the United Kingdom, France, Prussia, Habsburg Austria, and Russia.<sup>[120]</sup>

This balance would remain in place until the Revolutions of 1848, during which liberal uprisings affected all of Europe except for Russia and the United Kingdom. These revolutions were eventually put down by conservative elements and few reforms resulted.<sup>[121]</sup> The year 1859 saw the unification of Romania, as a nation-state, from smaller principalities. In 1867, the Austro-Hungarian empire was formed; and 1871 saw the unifications of both Italy and Germany as nation-states from smaller principalities.<sup>[122]</sup> Likewise, in 1878 the Congress of Berlin has conveyed formal recognition to the de facto independent principalities of Montenegro, Serbia and Romania.

The Industrial Revolution started in Great Britain in the last part of the 18th century and spread throughout Europe. The invention and implementation of new technologies resulted in rapid urban growth, mass employment, and the rise of a new working class.<sup>[123]</sup> Reforms in social and economic spheres followed, including the first laws on child labour, the legalisation of trade unions,<sup>[124]</sup> and the abolition of slavery.<sup>[125]</sup> In Britain, the Public Health Act of 1875 was passed, which significantly improved living conditions



Marshall's Temple Works, the Industrial Revolution started in Great Britain



in many British cities.<sup>[126]</sup> Europe's population increased from about 100 million in 1700 to 400 million by 1900.<sup>[127]</sup> The last major famine recorded in Western Europe, the Irish Potato Famine, caused death and mass emigration of millions of Irish people.<sup>[128]</sup> In the 19th century, 70 million people left Europe in migrations to various European colonies abroad and to the United States.<sup>[129]</sup>

## 20th century to the present

Two World Wars and an economic depression dominated the first half of the 20th century. World War I was fought between 1914 and 1918. It started when Archduke Franz Ferdinand of Austria was assassinated by the Bosnian Serb Gavrilo Princip.<sup>[130]</sup> Most European nations were drawn into the war, which was fought between the Entente Powers (France, Belgium, Serbia, Portugal, Russia, the United Kingdom, and later Italy, Greece, Romania, and the United States) and the Central Powers (Austria-Hungary, Germany, Bulgaria, and the Ottoman Empire). The War left more than 16 million civilians and military dead.<sup>[131]</sup> Over 60 million European soldiers were mobilised from 1914 to 1918.<sup>[132]</sup>

Partly as a result of its defeat Russia was plunged into the Russian Revolution, which threw down the Tsarist monarchy and replaced it with the communist Soviet Union.<sup>[133]</sup> Austria-Hungary and the Ottoman Empire collapsed and broke up into separate nations, and many other nations had their borders redrawn. The Treaty of Versailles, which officially ended World War I in 1919, was harsh towards Germany, upon whom it placed full responsibility for the war and imposed heavy sanctions.<sup>[134]</sup>

Excess deaths in Russia over the course of World War I and the Russian Civil War (including the postwar famine) amounted to a combined total of 18 million.<sup>[135]</sup> In 1932–1933, under Stalin's leadership, confiscations of grain by the Soviet authorities contributed to the second Soviet famine which caused millions of deaths;<sup>[136]</sup> surviving kulaks were persecuted and many sent to Gulags to do forced labour. Stalin was also responsible for the Great Purge of 1937–38 in which the NKVD executed 681,692 people;<sup>[137]</sup> millions of people were deported and exiled to remote areas of the Soviet Union.<sup>[138]</sup>

Economic instability, caused in part by debts incurred in the First World War and 'loans' to Germany played havoc in Europe in the late 1920s and 1930s. This and the Wall Street Crash of 1929 brought about the worldwide Great Depression. Helped by the economic crisis, social instability and the threat of communism, fascist movements developed throughout Europe placing Adolf Hitler of Nazi Germany, Francisco Franco of Spain and Benito Mussolini of Italy in power.<sup>[139][140]</sup>

In 1933, Hitler became the leader of Germany and began to work towards his goal of building Greater Germany. Germany re-expanded and took back the Saarland and Rhineland in 1935 and 1936. In 1938, Austria became a part of Germany following the Anschluss. Later that year, following the Munich Agreement signed by Germany, France, the United Kingdom and Italy, Germany annexed the Sudetenland, which was a part of Czechoslovakia inhabited by ethnic Germans, and in early 1939, the remainder of Czechoslovakia was split into the Protectorate of Bohemia and Moravia, controlled by Germany, and the Slovak Republic. At the time, Britain and France preferred a policy of appeasement.

With tensions mounting between Germany and Poland over the future of Danzig, the Germans turned to the Soviets, and signed the Molotov–Ribbentrop Pact, which allowed the Soviets to invade the Baltic states and parts of Poland and Romania. Germany invaded Poland on 1 September 1939, prompting France and the United Kingdom to declare war on Germany on 3 September, opening the European Theatre of World War II.<sup>[141][142]</sup> The Soviet invasion of Poland started on 17 September and Poland fell soon thereafter. On 24 September, the Soviet Union attacked the Baltic countries and later, Finland. The British hoped to land at Narvik and send troops to aid Finland, but their primary objective in the landing was to encircle Germany and cut the Germans off from Scandinavian resources. Around the same time, Germany moved troops into Denmark. The Phoney War continued.

In May 1940, Germany attacked France through the Low Countries. France capitulated in June 1940. By August Germany began a bombing offensive on Britain, but failed to convince the Britons to give up.<sup>[143]</sup> In 1941, Germany invaded the Soviet Union in the Operation Barbarossa.<sup>[144]</sup> On 7 December 1941 Japan's attack on Pearl Harbor drew the United States into the conflict as allies of the British Empire and other allied forces.<sup>[145][146]</sup>



European military alliances just prior to the start of WWI



Ruins of Guernica (1937). The Spanish Civil War claimed the lives of over 500,000 people.



Burned-out buildings in Hamburg, 1944 or 45



After the staggering Battle of Stalingrad in 1943, the German offensive in the Soviet Union turned into a continual fallback. The Battle of Kursk, which involved the largest tank battle in history, was the last major German offensive on the Eastern Front. In 1944, British and American forces invaded France in the D-Day landings, opening a new front against Germany. Berlin finally fell in 1945, ending World War II in Europe. The war was the largest and most destructive in human history, with 60 million dead across the world.<sup>[147]</sup> More than 40 million people in Europe had died as a result of the war by the time World War II ended,<sup>[148]</sup> including between 11 and 17 million people who perished during the Holocaust.<sup>[149]</sup> The Soviet Union lost around 27 million people (mostly civilians) during the war, about half of all World War II casualties.<sup>[150]</sup> By the end of World War II, Europe had more than 40 million refugees.<sup>[151]</sup> Several post-war expulsions in Central and Eastern Europe displaced a total of about 20 million people.<sup>[152]</sup>



The "Big Three" at the Yalta Conference in 1945; seated (from the left): Winston Churchill, Franklin D. Roosevelt, and Joseph Stalin



The Schuman Declaration led to the creation of the European Coal and Steel Community. It began the integration process of the European Union. (9 May 1950, at the French Foreign Ministry)

World War I and especially World War II diminished the eminence of Western Europe in world affairs. After World War II the map of Europe was redrawn at the Yalta Conference and divided into two blocs, the Western countries and the communist Eastern bloc, separated by what was later called by Winston Churchill an "Iron Curtain". The United States and Western Europe established the NATO alliance and later the Soviet Union and Central Europe established the Warsaw Pact.<sup>[153]</sup>

The two new superpowers, the United States and the Soviet Union, became locked in a fifty-year long Cold War, centred on nuclear proliferation. At the same time decolonisation, which had already started after World War I, gradually resulted in the independence of most of the European colonies in Asia and Africa.<sup>[7]</sup> In the 1980s the reforms of Mikhail Gorbachev and the Solidarity movement in Poland accelerated the collapse of the Eastern bloc and the end of the Cold War. Germany was reunited, after the symbolic fall of the Berlin Wall in 1989, and the maps of Central and Eastern Europe were redrawn once more.<sup>[139]</sup>

European integration also grew after World War II. The Treaty of Rome in 1957 established the European Economic Community between six Western European states with the goal of a unified economic policy and common market.<sup>[154]</sup> In 1967 the EEC, European Coal and Steel Community and Euratom formed the European Community, which in 1993 became the European Union. The EU established a parliament, court and central bank and introduced the euro as a unified currency.<sup>[155]</sup> In 2004 and 2007, more Central and Eastern European countries began joining, expanding the EU to its current size of 28 European countries, and once more making Europe a major economical and political centre of power.<sup>[156]</sup>

### European development



Territorial development of the Roman Empire  
264 BC-192 AD



Europe in 814 AD



Europe in 1000 AD



Europe in 1430



Europe in 1648





Europe and German  
Confederation in 1820



Europe in 1890



Europe in 1923

## Geography

Europe is a peninsula that makes up the western fifth of the Eurasian landmass.<sup>[20]</sup> It has a higher ratio of coast to landmass than any other continent or subcontinent.<sup>[157]</sup> Its maritime borders are made up of the Arctic Ocean to the north, the Atlantic Ocean to the west, and the Mediterranean, Black, and Caspian Seas to the south.<sup>[158]</sup> Land relief in Europe shows great variation within relatively small areas. The southern regions are more mountainous, while moving north the terrain descends from the high Alps, Pyrenees, and Carpathians, through hilly uplands, into broad, low northern plains, which are vast in the east. This extended lowland is known as the Great European Plain, and at its heart lies the North German Plain. An arc of uplands also exists along the north-western seaboard, which begins in the western parts of the islands of Britain and Ireland, and then continues along the mountainous, fjord-cut spine of Norway.



Relief map of Europe and surrounding regions



Land use map of Europe with arable farmland (yellow), forest (dark green), pasture (light green), and tundra or bogs in the north (dark yellow)

This description is simplified. Sub-regions such as the Iberian Peninsula and the Italian Peninsula contain their own complex features, as does mainland Central Europe itself, where the relief contains many plateaus, river valleys and basins that complicate the general trend. Sub-regions like Iceland, Britain, and Ireland are special cases. The former is a land unto itself in the northern ocean which is counted as part of Europe, while the latter are upland areas that were once joined to the mainland until rising sea levels cut them off.

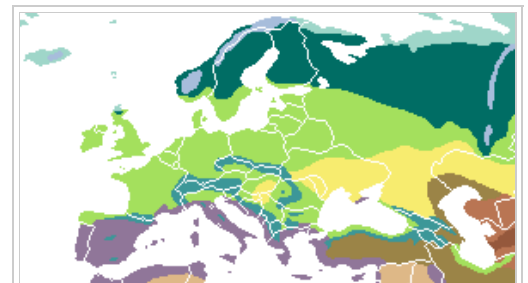
## Climate

Europe lies mainly in the temperate climate zones, being subjected to prevailing westerlies.

The climate is milder in comparison to other areas of the same latitude around the globe due to the influence of the Gulf Stream.<sup>[159]</sup> The Gulf

Stream is nicknamed "Europe's central heating", because it makes Europe's climate warmer and wetter than it would otherwise be. The Gulf Stream not only carries warm water to Europe's coast but also warms up the prevailing westerly winds that blow across the continent from the Atlantic Ocean.

Therefore the average temperature throughout the year of Naples is 16 °C (60.8 °F), while it is only 12 °C (53.6 °F) in New York City which is almost on the same latitude. Berlin, Germany; Calgary, Canada; and Irkutsk, in the Asian part of Russia, lie on around the same latitude; January temperatures in Berlin average around 8 °C (15 °F) higher than those in Calgary, and they are almost 22 °C (40 °F) higher than average temperatures in Irkutsk.<sup>[159]</sup>




Biomes of Europe and surrounding regions:  
tundra alpine tundra taiga montane forest  
temperate broadleaf forest mediterranean forest  
temperate steppe dry steppe

## Geology

The Geology of Europe is hugely varied and complex, and gives rise to the wide variety of landscapes found across the continent, from the Scottish Highlands to the rolling plains of Hungary.<sup>[160]</sup>



Europe's most significant feature is the dichotomy between highland and mountainous Southern Europe and a vast, partially underwater, northern plain ranging from Ireland in the west to the Ural Mountains in the east. These two halves are separated by the mountain chains of the Pyrenees and Alps/Carpathians. The northern plains are delimited in the west by the Scandinavian Mountains and the mountainous parts of the British Isles. Major shallow water bodies submerging parts of the northern plains are the Celtic Sea, the North Sea, the Baltic Sea complex and Barents Sea.



The northern plain contains the old geological continent of Baltica, and so may be regarded geologically as the "main continent", while peripheral highlands and mountainous regions in the south and west constitute fragments from various other geological continents. Most of the older geology of western Europe existed as part of the ancient microcontinent Avalonia.

## Geological history

The geological history of Europe traces back to the formation of the Baltic Shield (Fennoscandia) and the Sarmatian craton, both around 2.25 billion years ago, followed by the Volgo-Uralia shield, the three together leading to the East European craton ( $\approx$  Baltica) which became a part of the supercontinent Columbia. Around 1.1 billion years ago, Baltica and Arctica (as part of the Laurentia block) became joined to Rodinia, later resplitting around 550 million years ago to reform as Baltica. Around 440 million years ago Euramerica was formed from Baltica and Laurentia; a further joining with Gondwana then leading to the formation of Pangea. Around 190 million years ago, Gondwana and Laurasia split apart due to the widening of the Atlantic Ocean. Finally, and very soon afterwards, Laurasia itself split up again, into Laurentia (North America) and the Eurasian continent. The land connection between the two persisted for a considerable time, via Greenland, leading to interchange of animal species. From around 50 million years ago, rising and falling sea levels have determined the actual shape of Europe, and its connections with continents such as Asia. Europe's present shape dates to the late Tertiary period about five million years ago.<sup>[161]</sup>

## Biodiversity

Having lived side-by-side with agricultural peoples for millennia, Europe's animals and plants have been profoundly affected by the presence and activities of man. With the exception of Fennoscandia and northern Russia, few areas of untouched wilderness are currently found in Europe, except for various national parks.

The main natural vegetation cover in Europe is mixed forest. The conditions for growth are very favourable. In the north, the Gulf Stream and North Atlantic Drift warm the continent. Southern Europe could be described as having a warm, but mild climate. There are frequent summer droughts in this region. Mountain ridges also affect the conditions. Some of these (Alps, Pyrenees) are oriented east-west and allow the wind to carry large masses of water from the ocean in the interior. Others are oriented south-north (Scandinavian Mountains, Dinarides, Carpathians, Apennines) and because the rain falls primarily on the side of mountains that is oriented towards the sea, forests grow well on this side, while on the other side, the conditions are much less favourable. Few corners of mainland Europe have not been grazed by livestock at some point in time, and the cutting down of the pre-agricultural forest habitat caused disruption to the original plant and animal ecosystems.

Probably 80 to 90 per cent of Europe was once covered by forest.<sup>[162]</sup> It stretched from the Mediterranean Sea to the Arctic Ocean. Though over half of Europe's original forests disappeared through the centuries of deforestation, Europe still has over one quarter of its land area as forest, such as the taiga of Scandinavia and Russia, mixed rainforests of the Caucasus and the Cork oak forests in the western Mediterranean. During recent times, deforestation has been slowed and many trees have been planted. However, in many cases monoculture plantations of conifers have replaced the original mixed natural forest, because these grow quicker. The plantations now cover vast areas of land, but offer poorer habitats for many European forest dwelling species which require a mixture of tree species and diverse forest structure. The amount of natural forest in Western Europe is just 2–3% or less, in European Russia 5–10%. The country with the smallest percentage of forested area is Iceland (1%), while the most forested country is Finland (77%).<sup>[163]</sup>

Biogeographic regions of Europe and bordering regions



## Southern Carpathians in Romania



Navagio, Greece.



The Adriatic Sea contains over 1300 islands and islets.



Biogeographic regions of Europe and bordering regions



In temperate Europe, mixed forest with both broadleaf and coniferous trees dominate. The most important species in central and western



Floristic regions of Europe and neighbouring areas, according to Wolfgang Frey and Rainer Lösch

Europe are beech and oak. In the north, the taiga is a mixed spruce–pine–birch forest; further north within Russia and extreme northern Scandinavia, the taiga gives way to tundra as the Arctic is approached. In the Mediterranean, many olive trees have been planted, which are very well adapted to its arid climate; Mediterranean Cypress is also widely planted in southern Europe. The semi-arid Mediterranean region hosts much scrub forest. A narrow east-west tongue of Eurasian grassland (the steppe) extends eastwards from Ukraine and southern Russia and ends in Hungary and traverses into taiga to the north.

Glaciation during the most recent ice age and the presence of man affected the distribution of European fauna. As for the animals, in many parts of Europe most large animals and top predator species have been hunted to extinction. The woolly mammoth was extinct before the end of the Neolithic period. Today wolves (carnivores) and bears (omnivores) are endangered. Once they were found in most parts of Europe. However, deforestation and hunting caused these animals to withdraw further and further. By the Middle Ages the bears' habitats were limited to more or less inaccessible mountains with sufficient forest cover. Today, the brown bear lives primarily in the Balkan peninsula,

Scandinavia, and Russia; a small number also persist in other countries across Europe (Austria, Pyrenees etc.), but in these areas brown bear populations are fragmented and marginalised because of the destruction of their habitat. In addition, polar bears may be found on Svalbard, a Norwegian archipelago far north of Scandinavia. The wolf, the second largest predator in Europe after the brown bear, can be found primarily in Central and Eastern Europe and in the Balkans, with a handful of packs in pockets of Western Europe (Scandinavia, Spain, etc.).

European wild cat, foxes (especially the red fox), jackal and different species of martens, hedgehogs, different species of reptiles (like snakes such as vipers and grass snakes) and amphibians, different birds (owls, hawks and other birds of prey).

Important European herbivores are snails, larvae, fish, different birds, and mammals, like rodents, deer and roe deer, boars, and living in the mountains, marmots, steinbocks, chamois among others. A number of insects, such as the small tortoiseshell butterfly, add to the biodiversity.<sup>[166]</sup>

The extinction of the dwarf hippos and dwarf elephants has been linked to the earliest arrival of humans on the islands of the Mediterranean.

Sea creatures are also an important part of European flora and fauna. The sea flora is mainly phytoplankton. Important animals that live in European seas are zooplankton, molluscs, echinoderms, different crustaceans, squids and octopuses, fish, dolphins, and whales.

Biodiversity is protected in Europe through the Council of Europe's Bern Convention, which has also been signed by the European Community as well as non-European states.



Once roaming the great temperate forests of Eurasia, European bison now live in nature preserves in Białowieża Forest, on the border between Poland and Belarus.<sup>[164][165]</sup>

## Political geography



European states  
European territory of transcontinental states



Modern political map of Europe and the surrounding region



Regional grouping used by the United Nations Statistics Department.<sup>[167]</sup>





Regional grouping according to The World Factbook



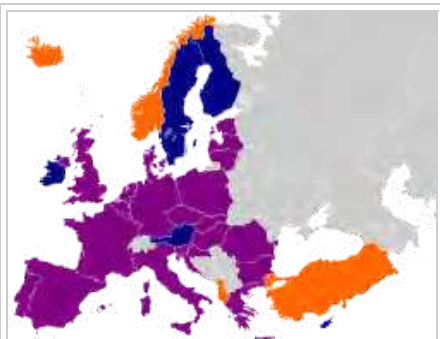
European Union and its candidate countries



Europe according to EuroVoc (the thesaurus of the European Union):  
Blue - Northern Europe  
Green - Western Europe  
Red - Central and Eastern Europe  
Yellow - Southern Europe  
Grey - Territories not considered part of Europe



Council of Europe nations



Map showing European membership of the EU and NATO





The list below includes all entities falling even partially under any of the various common definitions of Europe, geographic or political. The data displayed are per sources in cross-referenced articles.

Flag	Arms	Name	Area (km <sup>2</sup> )	Population	Population density (per km <sup>2</sup> )	Capital	Name(s) in official language(s)
		Albania	28,748	2,831,741	98.5	Tirana	Shqipëria
		Andorra	468	68,403	146.2	Andorra la Vella	Andorra
		Armenia <sup>[j]</sup>	29,800	3,229,900	101	Yerevan	Hayastan
		Austria	83,858	8,169,929	97.4	Vienna	Österreich
		Azerbaijan <sup>[k]</sup>	86,600	9,165,000	105.8	Baku	Azərbaycan
	N/A	Belarus	207,560	9,458,000	45.6	Minsk	Belarus
		Belgium	30,528	11,007,000	360.6	Brussels	België/Belgique/Belgien
		Bosnia and Herzegovina	51,129	3,843,126	75.2	Sarajevo	Bosna i Hercegovina
		Bulgaria	110,910	7,621,337	68.7	Sofia	Bългария
		Croatia	56,542	4,437,460	77.7	Zagreb	Hrvatska
		Cyprus <sup>[d]</sup>	9,251	788,457	85	Nicosia	Κύπρος/Κίβρις
		Czech Republic	78,866	10,256,760	130.1	Prague	Česká republika
		Denmark	43,094	5,564,219	129	Copenhagen	Danmark
		Estonia	45,226	1,340,194	29	Tallinn	Eesti
		Finland	336,593	5,157,537	15.3	Helsinki	Suomi/Finland
		France <sup>[g]</sup>	547,030	63,182,000	115.5	Paris	France
		Georgia <sup>[l]</sup>	69,700	4,661,473	64	Tbilisi	Sakartvelo
		Germany	357,021	83,251,851	233.2	Berlin	Deutschland
		Greece	131,957	10,815,187	80.7	Athens	Ελλάδα
		Hungary	93,030	10,075,034	108.3	Budapest	Magyarország
		Iceland	103,000	307,261	2.7	Reykjavík	Ísland

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		Ireland	70,280	4,234,925	60.3	Dublin	Éire/Ireland
		Italy	301,230	59,530,464	197.7	Rome	Italia
		Kazakhstan <sup>[i]</sup>	2,724,900	15,217,711	5.6	Astana	Qazaqstan/Kazakhstan
		Latvia	64,589	2,067,900	34.2	Riga	Latvija
		Liechtenstein	160	32,842	205.3	Vaduz	Liechtenstein
		Lithuania	65,200	2,988,400	45.8	Vilnius	Lietuva
		Luxembourg	2,586	448,569	173.5	Luxembourg	Lëtzebuerg/Luxemburg/Luxembourg
		Macedonia	25,713	2,054,800	81.1	Skopje	Makedonija
		Malta	316	397,499	1,257.9	Valletta	Malta
		Moldova <sup>[a]</sup>	33,843	4,434,547	131.0	Chişinău	Moldova
		Monaco	1.95	31,987	16,403.6	Monaco	Monaco
		Montenegro	13,812	616,258	44.6	Podgorica	Crna Gora
		Netherlands <sup>[h]</sup>	41,526	16,318,199	393.0	Amsterdam	Nederland
		Norway	385,178	5,018,836	15.5	Oslo	Norge
		Poland	312,685	38,625,478	123.5	Warsaw	Polska
		Portugal <sup>[e]</sup>	91,568	10,409,995	110.1	Lisbon	Portugal
		Romania	238,391	21,698,181	91.0	Bucharest	România
		Russia <sup>[b]</sup>	17,075,400	142,200,000	8.3	Moscow	Rossiya
		San Marino	61	27,730	454.6	San Marino	San Marino
		Serbia <sup>[f]</sup>	88,361	7,120,666	91.9	Belgrade	Srbija
		Slovakia	48,845	5,422,366	111.0	Bratislava	Slovensko
		Slovenia	20,273	2,050,189	101	Ljubljana	Slovenija
		Spain	504,851	47,059,533	93.2	Madrid	España
		Sweden	449,964	9,090,113	19.7	Stockholm	Sverige
		Switzerland	41,290	7,507,000	176.8	Bern	Schweiz/Suisse/Svizzera/Svizra
		Turkey <sup>[m]</sup>	783,562	75,627,384	98	Ankara	Türkiye
		Ukraine	603,700	48,396,470	80.2	Kiev	Ukrājina
		United Kingdom	244,820	61,100,835	244.2	London	United Kingdom
		Vatican City	0.44	900	2,045.5	Vatican City	Status Civitatis Vaticanæ
Total			10,180,000 <sup>[n]</sup>	742,000,000 <sup>[n]</sup>	70		

Within the above-mentioned states are several de facto independent countries with limited to no international recognition. None of them are members of the UN:



Flag	Arms	Name	Area (km²)	Population (1 July 2002 est.)	Population density (per km²)	Capital
<span></span>	<span></span>	Abkhazia <sup>[p]</sup>	8,432	216,000	29	Sukhumi
<span></span>	<span></span>	Kosovo <sup>[o]</sup>	10,887	<sup>[170]</sup> 1,804,838	220	Pristina
<span></span>	<span></span>	Nagorno-Karabakh <sup>[q]</sup>	11,458	138,800	12	Stepanakert
<span></span>	<span></span>	Northern Cyprus <sup>[d]</sup>	3,355	265,100	78	Nicosia
<span></span>	N/A	South Ossetia <sup>[p]</sup>	3,900	70,000	18	Tskhinvali
<span></span>	N/A	Transnistria <sup>[a]</sup>	4,163	537,000	133	Tiraspol

Several dependencies and similar territories with broad autonomy are also found in Europe. Note that the list does not include the constituent countries of the United Kingdom, federal states of Germany and Austria, and autonomous territories of Spain and the post-Soviet republics as well as the republic of Serbia.

Name of territory, with flag	Area (km²)	Population (1 July 2002 est.)	Population density (per km²)	Capital
<span></span> Åland (Finland)	13,517	26,008	16.8	Mariehamn
<span></span> Faroe Islands (Denmark)	1,399	46,011	32.9	Tórshavn
<span></span> Gibraltar (UK)	5.9	27,714	4,697.3	Gibraltar
<span></span> Guernsey <sup>[c]</sup> (UK)	78	64,587	828.0	St. Peter Port
<span></span> Isle of Man <sup>[c]</sup> (UK)	572	73,873	129.1	Douglas
<span></span> Jersey <sup>[c]</sup> (UK)	116	89,775	773.9	Saint Helier

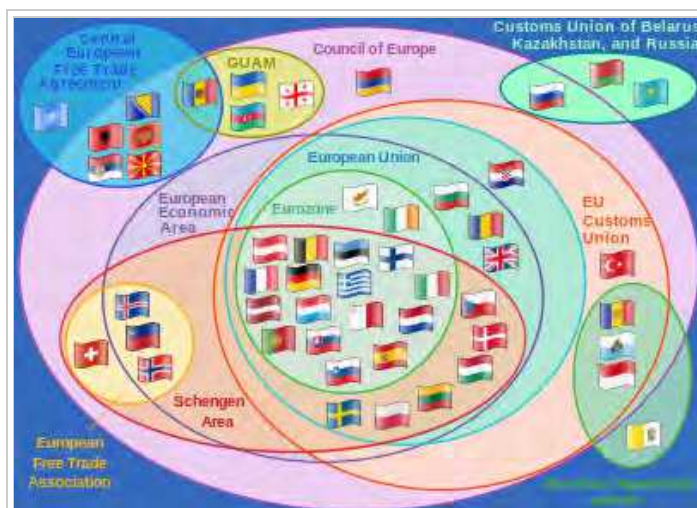
## Integration

European integration is the process of political, legal, economic (and in some cases social and cultural) integration of states wholly or partially in Europe. In the present day, European integration has primarily come about through the Council of Europe and European Union in Western and Central Europe and Commonwealth of Independent States in Central and Eastern Europe and most of former Soviet countries.

## Economy

As a continent, the economy of Europe is currently the largest on Earth and it is the richest region as measured by assets under management with over \$32.7 trillion compared to North America's \$27.1 trillion in 2008.<sup>[171]</sup> In 2009 Europe remained the wealthiest region. Its \$37.1 trillion in assets under management represented one-third of the world's wealth. It was one of several regions where wealth surpassed its precrisis year-end peak.<sup>[172]</sup> As with other continents, Europe has a large variation of wealth among its countries. The richer states tend to be in the West; some of the Central and Eastern European economies are still emerging from the collapse of the Soviet Union and Yugoslavia.

The European Union, an intergovernmental body composed of 28 European states, comprises the largest single economic area in the world. 18 EU countries share the euro as a common currency. Five European countries rank in the top ten of the world's largest national economies in GDP (PPP). This includes (ranks according to the CIA): Germany (5), the UK (6), Russia (7), France (8), and Italy (10).<sup>[173]</sup>



A clickable Euler diagram showing the relationships between various multinational European organisations and agreements.

v • d • e (<https://en.wikipedia.org/w/index.php?>

title=Template:Supranational\_European\_Bodies&action=edit)



There is huge disparity between many European countries in terms of their income. The richest in terms of GDP per capita is Monaco with its US\$172,676 per capita (2009) and the poorest is Moldova with its GDP per capita of US\$1,631 (2010).<sup>[174]</sup> Monaco is the richest country in terms of GDP per capita in the world according to the World Bank report.

## Pre-1945: Industrial growth

Capitalism has been dominant in the Western world since the end of feudalism.<sup>[175]</sup> From Britain, it gradually spread throughout Europe.<sup>[176]</sup> The Industrial Revolution started in Europe, specifically the United Kingdom in the late 18th century,<sup>[177]</sup> and the 19th century saw Western Europe industrialise. Economies were disrupted by World War I but by the beginning of World War II they had recovered and were having to compete with the growing economic strength of the United States. World War II, again, damaged much of Europe's industries.

## 1945–1990: The Cold War

After World War II the economy of the UK was in a state of ruin,<sup>[178]</sup> and continued to suffer relative economic decline in the following decades.<sup>[179]</sup> Italy was also in a poor economic condition but regained a high level of growth by the 1950s. West Germany recovered quickly and had doubled production from pre-war levels by the 1950s.<sup>[180]</sup> France also staged a remarkable comeback enjoying rapid growth and modernisation; later on Spain, under the leadership of Franco, also recovered, and the nation recorded huge unprecedented economic growth beginning in the 1960s in what is called the Spanish miracle.<sup>[181]</sup> The majority of Central and Eastern European states came under the control of the Soviet Union and thus were members of the Council for Mutual Economic Assistance (COMECON).<sup>[182]</sup>

The states which retained a free-market system were given a large amount of aid by the United States under the Marshall Plan.<sup>[183]</sup> The western states moved to link their economies together, providing the basis for the EU and increasing cross border trade. This helped them to enjoy rapidly improving economies, while those states in COMECON were struggling in a large part due to the cost of the Cold War. Until 1990, the European Community was expanded from 6 founding members to 12. The emphasis placed on resurrecting the West German economy led to it overtaking the UK as Europe's largest economy.

## 1991–2007: Integration and reunification

With the fall of communism in Central and Eastern Europe in 1991, the post-socialist states began free market reforms: Poland, Hungary, and Slovenia adopted them reasonably quickly, while Ukraine and Russia are still in the process of doing so.

After East and West Germany were reunited in 1990, the economy of West Germany struggled as it had to support and largely rebuild the infrastructure of East Germany.

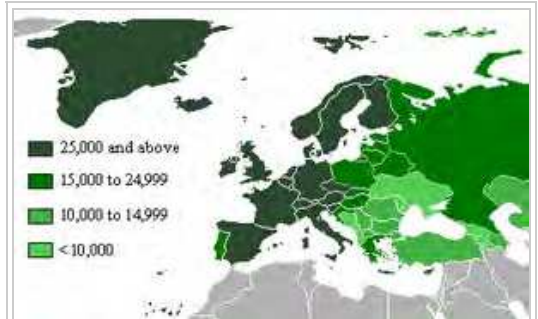
By the millennium change, the EU dominated the economy of Europe comprising the five largest European economies of the time namely Germany, the United Kingdom, France, Italy, and Spain. In 1999, 12 of the 15 members of the EU joined the Eurozone replacing their former national currencies by the common euro. The three who chose to remain outside the Eurozone were: the United Kingdom, Denmark, and Sweden. The European Union is now the largest economy in the world and the most powerful political entity on earth.<sup>[184]</sup>

## 2008–2010: Recession

The Eurozone entered its first official recession in the third quarter of 2008 which official figures confirmed in January 2009.<sup>[185]</sup> While beginning in the United States the late-2000s recession spread to Europe rapidly and has affected much of the region.<sup>[186]</sup> In early 2010, fears of a sovereign debt crisis<sup>[187]</sup> developed concerning some countries in Europe, especially Greece, Ireland, Spain, and Portugal.<sup>[188]</sup> As a result, measures were taken, especially for Greece, by the leading countries of the Eurozone.<sup>[189]</sup>



European Union and Commonwealth of Independent States



European and bordering nations by GDP (nominal) per capita in 2012

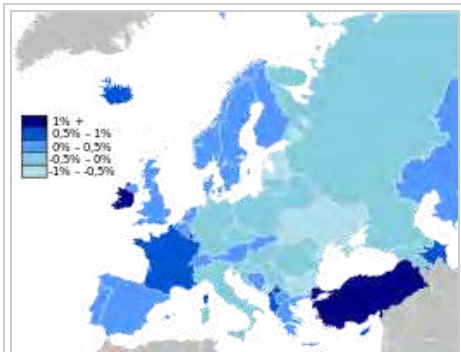


Fall of the Berlin Wall in 1989.



The EU-27 unemployment rate was 10.3% in April 2012.<sup>[190]</sup> Europe's young workers have been especially hard hit.<sup>[191]</sup> In April 2012, the unemployment rate in the EU27 for those aged 15–24 was 22.4%.<sup>[190]</sup>

## Demographics



Population growth and decline in and around Europe in 2010<sup>[192]</sup>

Since the Renaissance, Europe has had a major influence in culture, economics and social movements in the world. The most significant inventions had their origins in the Western world, primarily Europe and the United States.<sup>[193][194]</sup> Approximately 70 million Europeans died through war, violence and famine between 1914 and 1945.<sup>[195]</sup> Some current and past issues in European demographics have included religious emigration, race relations, economic immigration, a declining birth rate and an aging population.

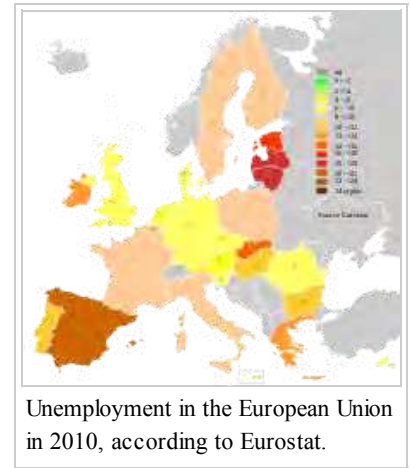
In some countries, such as Ireland and Poland, access to abortion is limited. It remains illegal on the island of Malta. Furthermore, three European countries (the Netherlands, Belgium, and Switzerland) and the Autonomous Community of Andalusia (Spain)<sup>[196][197]</sup> have allowed a limited form of voluntary euthanasia for some terminally ill people.

In 2005, the population of Europe was estimated to be 731 million according to the United Nations,<sup>[198]</sup> which is slightly more than one-ninth of the world's population. A century ago, Europe had nearly a quarter of the world's population.<sup>[199]</sup> The population of Europe has grown in the past century, but in other areas of the world (in particular Africa and Asia) the population has grown far more quickly.<sup>[198]</sup> Among the continents, Europe has a relatively high population density, second only to Asia. The most densely populated country in Europe (and in the world) is Monaco. Pan and Pfeil (2004) count 87 distinct "peoples of Europe", of which 33 form the majority population in at least one sovereign state, while the remaining 54 constitute ethnic minorities.<sup>[200]</sup> According to UN population projection, Europe's population may fall to about 7% of world population by 2050, or 653 million people (medium variant, 556 to 777 million in low and high variants, respectively).<sup>[198]</sup> Within this context, significant disparities exist between regions in relation to fertility rates. The average number of children per female of child bearing age is 1.52.<sup>[201]</sup> According to some sources,<sup>[202]</sup> this rate is higher among Muslims in Europe. The UN predicts the steady population decline of vast areas of Central and Eastern Europe.<sup>[203]</sup>

Europe is home to the highest number of migrants of all global regions at 70.6 million people, the IOM's report said.<sup>[204]</sup> In 2005, the EU had an overall net gain from immigration of 1.8 million people. This accounted for almost 85% of Europe's total population growth.<sup>[205]</sup> The European Union plans to open the job centres for legal migrant workers from Africa.<sup>[206][207]</sup> In 2008, 696,000 persons were given citizenship of an EU27 member state, a decrease from 707,000 the previous year. The largest groups that acquired citizenship of an EU member state were citizens of Morocco, Turkey, Ecuador, Algeria and Iraq.<sup>[208]</sup>

Emigration from Europe began with Spanish and Portuguese settlers in the 16th century,<sup>[209][210]</sup> and French and English settlers in the 17th century.<sup>[211]</sup> But numbers remained relatively small until waves of mass emigration in the 19th century, when millions of poor families left Europe.<sup>[212]</sup>

Today, large populations of European descent are found on every continent. European ancestry predominates in North America, and to a lesser degree in South America (particularly in Uruguay, Argentina, Chile and Brazil, while most of the other Latin American countries also have a considerable population of European origins). Australia and New Zealand have large European derived populations. Africa has no countries with European-derived majorities (or with the exception of Cape Verde and probably São Tomé and Príncipe, depending on context), but there are significant minorities, such as the White South Africans. In Asia, European-derived



Unemployment in the European Union in 2010, according to Eurostat.



The Moravian Slovak costumes during festival



Galician bagpipers or gaiteros in Spain



populations predominate in Northern Asia (specifically Russians), some parts of Northern Kazakhstan and Israel.<sup>[213]</sup> Additionally, transcontinental or geographically Asian countries such as Georgia, Armenia, Azerbaijan, Cyprus and Turkey have populations historically closely related to Europeans, with considerable genetic and cultural affinity.

## Language

European languages mostly fall within three Indo-European language groups: the Romance languages, derived from the Latin of the Roman Empire; the Germanic languages, whose ancestor language came from southern Scandinavia; and the Slavic languages.<sup>[161]</sup>

Slavic languages are most spoken by the number of native speakers in Europe, they are spoken in Central, Eastern, and Southeastern Europe. Romance languages are spoken primarily in south-western Europe as well as in Romania and Moldova, in Central or Eastern Europe. Germanic languages are spoken in Northern Europe, the British Isles and some parts of Central Europe.<sup>[161]</sup>

Many other languages outside the three main groups exist in Europe. Other Indo-European languages include the Baltic group (that is, Latvian and Lithuanian), the Celtic group (that is, Irish, Scottish Gaelic, Manx, Welsh, Cornish, and Breton<sup>[161]</sup>), Greek, Armenian, and Albanian. In addition, a distinct group of Uralic languages (Estonian, Finnish, and Hungarian) is spoken mainly in Estonia, Finland, and Hungary, while Kartvelian languages (Georgian, Mingrelian, and Svan), are spoken primarily in Georgia, and two other language families reside in the North Caucasus (termed Northeast Caucasian, most notably including Chechen, Avar and Lezgin and Northwest Caucasian, notably including Adyghe). Maltese is the only Semitic language that is official within the EU, while Basque is the only European language isolate. Turkic languages include Azerbaijani and Turkish, in addition to the languages of minority nations in Russia.



Map of major European languages

Multilingualism and the protection of regional and minority languages are recognized political goals in Europe today. The Council of Europe Framework Convention for the Protection of National Minorities and the Council of Europe's European Charter for Regional or Minority Languages set up a legal framework for language rights in Europe.

## Religion

Historically, religion in Europe has been a major influence on European art, culture, philosophy and law. The largest religion in Europe is Christianity, with 76.2% of Europeans considering themselves Christians,<sup>[214]</sup> including Catholic, Eastern Orthodox and Protestant Churches. Following these is Islam concentrated mainly in the Balkans and eastern Europe (Bosnia and Herzegovina, Albania, Kosovo, Kazakhstan, North Cyprus, Turkey, Azerbaijan, North Caucasus, and the Volga-Ural region). Other religions, including Judaism, Hinduism, and Buddhism are minority religions (though Tibetan Buddhism is the majority religion of Russia's Republic of Kalmykia). The 20th century saw the revival of Neopaganism through movements such as Wicca and Druidry.

Europe has become a relatively secular continent, with an increasing number and proportion of irreligious, atheist and agnostic people, actually the largest in the Western world. There are a particularly high number of self-described non-religious people in the Czech Republic, Estonia, Sweden, Germany (East), and France.<sup>[215]</sup>



St. Peter's Basilica in Rome, the largest European Roman Catholic church

## Culture

The culture of Europe can be described as a series of overlapping cultures; cultural mixes exist across the continent. There are cultural innovations and movements, sometimes at odds with each other. Thus the question of "common culture" or "common values" is complex. In his article, Andreas Kaplan describes Europe as "embracing maximum cultural diversity at minimal geographical distances".<sup>[216]</sup>

The foundation of European culture was laid by the Greeks, strengthened by the Romans, stabilised by Christianity, reformed by the 15th-century Renaissance and Reformation, modernised by the 18th century Age of Enlightenment and globalised by successive European empires between the 16th and 20th centuries.

According to historian Hilaire Belloc, for several centuries the peoples of Europe based their self-identification on the remaining traces of the Roman culture and on the concept of Christendom, because many European-wide military alliances were of religious nature: the Crusades (1095–1291), the Reconquista (711–1492), the Battle of Lepanto (1571).<sup>[217]</sup>





Dance at Le Moulin de la Galette, 1876, by Pierre-Auguste Renoir

## See also

- Continental Europe
- Telecommunications in Europe
- Europe as a potential superpower
- List of European television stations

### Politics

- Eurodistrict
- Euroregion
- Flags of Europe
- List of sovereign states by date of formation
- Names of European cities in different languages
- OSCE countries statistics

### Demographics

- Area and population of European countries
- Demographics of Europe
- European Union statistics
- Largest cities of the EU
- Largest urban areas of the European Union
- List of cities in Europe
- List of metropolitan areas in Europe
- List of villages in Europe

### Economics

- Economy of the European Union
- Financial and social rankings of European countries
- List of European countries by GDP (nominal)

## Notes

- A. <sup>a b</sup> Transnistria, internationally recognised as being a legal part of the Republic of Moldova, although de facto control is exercised by its internationally unrecognised government which declared independence from Moldova in 1990.
- B. <sup>a</sup> Russia is considered a transcontinental country in both Eastern Europe and Northern Asia. People in Russia tend to call the region Northern Eurasia. However only the population figure includes the entire state.
- C. <sup>a b c</sup> Guernsey, the Isle of Man and Jersey are Crown Dependencies of the United Kingdom. Other Channel Islands legislated by the Bailiwick of Guernsey include Alderney and Sark.
- D. <sup>a b</sup> Cyprus is physiographically entirely in Southwest Asia but has strong historical and sociopolitical connections with Europe. The population and area figures refer to the entire state, including the de facto independent part Northern Cyprus which is not recognized as a sovereign nation by the vast majority of sovereign nations, nor the UN.
- E. <sup>a</sup> Figures for Portugal include the Azores and Madeira archipelagos, both in Northern Atlantic.
- F. <sup>a</sup> Area figure for Serbia includes Kosovo, a province that unilaterally declared its independence from Serbia on 17 February 2008, and whose sovereign status is unclear. Population and density figures are from the first results of 2011 census and are given without the disputed territory of Kosovo.
- G. <sup>a</sup> Figures for France include only metropolitan France: some politically integral parts of France are geographically located outside Europe.
- H. <sup>a</sup> Netherlands population for July 2004. Population and area details include European portion only: Netherlands and three entities outside Europe (Aruba, Curaçao and Sint Maarten, in the Caribbean) constitute the Kingdom of the Netherlands. Amsterdam is the official capital, while The



Hague is the administrative seat.

- I. ^ Kazakhstan is physiographically considered a transcontinental country, mostly in Central Asia (UN region), partly in Eastern Europe, with European territory west of the Ural Mountains and Ural River. However, only the population figure refers to the entire country.
- J. ^ Armenia is physiographically entirely in Western Asia, but it has strong historical and sociopolitical connections with Europe. The population and area figures include the entire state respectively.
- K. ^ Azerbaijan is physiographically considered a transcontinental country mostly in Western Asia with a small part in Eastern Europe.<sup>[218]</sup> However the population and area figures are for the entire state. This includes the exclave of the Nakhchivan Autonomous Republic and the region Nagorno-Karabakh that has declared, and de facto achieved, independence. Nevertheless, it is not recognised de jure by sovereign states.
- L. ^ Georgia is physiographically almost entirely in Western Asia, with a very small part in Eastern Europe, but it has strong historical and sociopolitical connections with Europe.<sup>[219][220]</sup> The population and area figures include Georgian estimates for Abkhazia and South Ossetia, two regions that have declared and de facto achieved independence. International recognition, however, is limited.
- M. ^ Turkey is physiographically considered a transcontinental country, mostly in Western Asia, partly in Eastern Europe. However only the population figure includes the entire state.
- N. ^ <sup>a b c d</sup> The total figures for area and population include only European portions of transcontinental countries. The precision of these figures is compromised by the ambiguous geographical extent of Europe and the lack of references for European portions of transcontinental countries.
- O. ^ Kosovo unilaterally declared its independence from Serbia on 17 February 2008. Its sovereign status is unclear. Its population is July 2009 CIA estimate.
- P. ^ <sup>a b</sup> Abkhazia and South Ossetia, both generally considered to be entirely within Southwest Asia,<sup>[220]</sup> unilaterally declared their independence from Georgia on 25 August 1990 and 28 November 1991 respectively. Their status as sovereign nations is not recognized by a vast majority of sovereign nations, nor the UN. Population figures stated as of 2003 census and 2000 estimates respectively.
- Q. ^ Nagorno-Karabakh, generally considered to be entirely within Southwest Asia, unilaterally declared its independence from Azerbaijan on 6 January 1992. Its status as a sovereign nation is not recognized by any sovereign nation, nor the UN. Population figures stated as of 2003 census and 2000 estimates respectively.

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7. ^ <sup>a b</sup> National Geographic, 534.
8. ^ The map shows one of the most commonly accepted delineations of the geographical boundaries of Europe, as used by National Geographic and Encyclopædia Britannica. Whether countries are considered in Europe or Asia can vary in sources, for example in the classification of the CIA World Factbook or that of the BBC. Note also that certain countries in Europe, such as France, have territories lying geographically outside Europe, but which are nevertheless considered integral parts of that country.
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Andrew Tanzer

4/02/2001 @ 12:00AM

# Made in Taiwan

**Where was your laptop manufactured? More likely than not, somewhere close to Taipei. One billionaire has a big chunk of the market.**

Recession? I don't know why people say there's a recession," says Barry Lam, the world's little-known king of notebook computers. "We've been working overtime for many weeks. We have a huge backlog, and customers are pushing us for earlier delivery."

Lam is the billionaire founder and chairman of Taiwan's Quanta Computer. He'll be disappointed if he doesn't ship 4 million notebook units this year one seventh of all those sold on earth and up 50% from last year. Quanta makes more notebooks than anyone else, but you've probably never heard of it. You *do* know its customers: Dell, Compaq, Gateway, Apple, HP, IBM, Sony, Sharp, Fujitsu, Siemens.

Quanta is one of the beneficiaries of the trend among the brand holders in the electronics industry to have ghost manufacturers do most of their work. By doing so, they reduce fixed costs, inventories and risk. Last year, Compaq, Dell and IBM all outsourced at least 65% of their notebook needs to Taiwan.

Think Quanta, which will take in an estimated \$3.8 billion in revenues this year, is akin to those anonymous sweatshops that crank out toys or sneakers for famous U.S. brand owners? It's more than a drone manufacturer; it is a designer, too, and puts a lot of engineering talent into its contracts. This world of ghost designer-manufacturers is peculiar to Taiwan, the world's dominant maker of notebook computers (a global 55% market share) and a whole spectrum of pc components and peripherals.

Taiwan's electronics factories started out at the drone end of the business. But there wasn't enough money in that. In the past decade they have evolved from lowly con-tract manufacturers into designer-manufacturers. They differ from the well-known contract electronics manufacturers in the U.S. namely, Solectron and Flextronics in typically having a few specialties, as opposed to making a wide variety of products. In Quanta's case the list includes laptops,

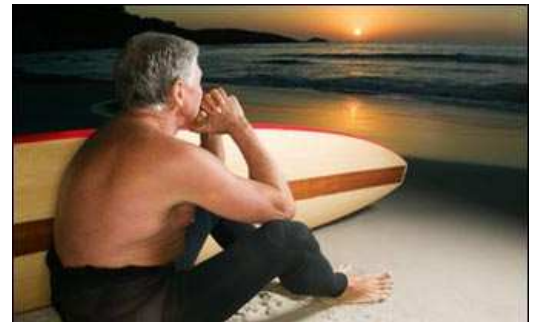
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and now cell phones and servers.

Craig Barrett, president of Intel, has observed the progression. "Taiwan made its mark in low-cost manufacturing," he recalls. "Now it's moving up to design and creation of products, while outsourcing the low-end manufacturing to China." This ability to move steadily into higher-value information-technology products underpins the prosperity of Taiwan's export-led economy.

How did Taiwan emerge as an electronics workshop to the world? The island has an abundance of relatively low-cost engineers, many of them returnees from the U.S., and strong connections to Silicon Valley. The Taiwan government stimulated the high-tech industry with tax and venture capital incentives. The country has a deeper technical and industrial base than its Southeast Asian neighbors. Taiwan's entrepreneurs have been much more adaptable than its competitors in Japan and Korea to the rapid change and short product cycles in the computer industry.

Taiwan has not been notably successful in branding and marketing its own products. Where it has succeeded is in partnering with the U.S. (and, increasingly, Japanese) computer industry. While being careful not to advertise what they are doing, the U.S. name-brand owners have delegated a lot to the Taiwanese. The brand holder may give a road map, such as product specifications and performance. Or the Taiwan side may generate the ideas and bring them to the customer. Taiwan has a particular strength in the time-consuming design of the printed circuit board, a customized system that is crucial to the overall speed and reliability of the finished computer. A joint development process between the two sides can come up with a new model in six to nine months.

Lam says that Quanta, which has 500 design engineers in Taiwan, did about half of the design work for Apple Computer's G4 notebook. For Dell, Quanta's biggest single customer, Lam says, his army of engineers does about 60% to 70% of the design work on Latitude models; Dell does the remaining 30% to 40%. He asserts that HP was a marginal player in notebooks before Quanta helped to design its products. Compaq, which last year sourced an astounding \$9.6 billion of electronics from Taiwan, looks to become Quanta's No. 2 account.

Simon Lin, president of Acer Inc., Taiwan's largest computer maker, estimates that Acer performs 20% to 60% of the design work for such brand sellers as IBM (Acer also puts out its own brand). "The issue is the customer's resource allocation," he explains. "No company in the world can build everything in-house. Even the Japanese are outsourcing now." Indeed, since last year orders have poured into Taiwan from big Japanese laptop brands.

The Shanghai-born, Hong Kongbred and Taiwan-educated Lam, 52, is especially proud of the flexible manufacturing lines he designed in his huge notebook-assembly factory in Linkou, in suburban Taipei. These assembly lines mass-produce notebooks with different product specs and configurations for various customers, 24 hours a day (Dell has its own, secured floor). A towering automated warehouse feeds parts to the conveyor belts.

Efficiency got Quanta where it is. The company had a 27% return on equity

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last year, and this year Morgan Stanley estimates that the company will show an 8% net margin, earning about \$300 million aftertax (like the rest of Taiwan's high-tech industry, the company pays almost no corporate tax). Lam's stake: \$2 billion.

To make its prices still more competitive for assembly, Taiwan's computer industry is tapping China's cheaper labor (less than 15% of Taiwan's wages) and land costs. In contract manufacturing a one- or two-point margin difference can make or break a supplier. "The [delicate] China-Taiwan relationship is key during a deflationary period," avers Matthew Miao, chairman of Mitac Computers, one of the island's oldest and largest pc makers.

Taiwan now produces more cd drives, scanners, power supplies and desktop computers in its low-cost China hinterland than at home. Lam aims higher. This spring he'll start making motherboards in his new Shanghai plant.

Lam is also squeezing supply channels through his Taiwan Direct Shipment service. Quanta fulfills orders received electronically from U.S. brands, sellers or even end-users within five working days (three days for Japan)two days to manufacture machines configured to specs and three days for FedEx shipment (in Dell's case, Quanta ships modules for final assembly and configuration to Dell's regional factories around the world).

Acer offers a similar direct-shipment service to brand sellers. "The credit check is [their] most important job," quips President Lin about the order process. There's a lot more to marketing than that. But let's see who gets richer over the next decade in computers the brand owners or the factory owners.

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# Political status of Taiwan

From Wikipedia, the free encyclopedia

The controversy regarding the **political status of Taiwan** (or the "**Taiwan Issue**" as referred to by the Communist Party of China) hinges on whether Taiwan, Penghu, Kinmen, and Matsu should remain effectively independent as territory of the Republic of China (ROC), become unified with the territories now governed by the People's Republic of China (PRC), or formally declare independence and become the Republic of Taiwan; as well as whether its existence and status as a state ("country") is legitimate and recognized by the international community.

Currently, Taiwan, Penghu, Kinmen, Matsu, and some other minor islands effectively make up the jurisdiction of the state with the official name of Republic of China but widely known as "Taiwan". The ROC, which took control of Taiwan (including Penghu and other nearby islands) in 1945, ruled mainland China and claimed sovereignty over Outer Mongolia (now Mongolia) and Tannu Uriankhai (part of which is present day Tuva, Russia) before losing the Chinese Civil War and relocating its government to Taipei, Taiwan in December 1949.

Since the ROC lost its United Nations seat as "China" in 1971 (replaced by the PRC), most sovereign states have switched their diplomatic recognition to the PRC, recognizing or acknowledging the PRC to be the sole legitimate representative of all China, though many deliberately avoid stating clearly what territories they believe China includes. As of 2013, the ROC maintains official diplomatic relations with 21 UN member states and the Holy See,<sup>[1]</sup> although informal relations are maintained with nearly all others. Agencies of foreign governments such as the American Institute in Taiwan operate as *de facto* embassies of their home countries in Taiwan, and Taiwan operates similar *de facto* embassies and consulates in most countries under such names as "Taipei Representative Office" (TRO) or "Taipei Economic and Cultural (Representative) Office" (TECO). In certain incidents, Taiwan is also referred to as the Chinese Taipei.

The ROC government has in the past actively pursued the claim as the sole legitimate government over mainland China and Taiwan. This position started to be largely adjusted in the early 1990s as democracy was introduced and new Taiwanese leaders were elected, changing to one that does not actively challenge the legitimacy of PRC rule over mainland China. However, with the election of the Kuomintang (KMT, "Chinese Nationalist Party") back into executive power in 2008, the ROC government has changed its position back to that "mainland China is also part of the territory of the ROC."<sup>[2]</sup> Both the PRC and the ROC carry out Cross-Strait relations through specialized agencies (such as the Mainland Affairs Council of the ROC), rather than through foreign ministries. Different groups have different concepts of what the current formal political situation of Taiwan is. (*See also: Chinese reunification, Taiwan independence, and Cross-Strait relations*)

In addition, the situation can be confusing because of the different parties and the effort by many groups to deal with the controversy through a policy of deliberate ambiguity. The political solution that is accepted by many of the current groups is the perspective of the status quo: to unofficially treat Taiwan as a state and at a minimum, to officially declare no support for the government of this state making a formal declaration of independence. What a formal declaration of independence would consist of is not clear and can be confusing given the fact that the People's Republic of China has never controlled Taiwan and the



Non-partisan Taiwanese politician Wu San-lian (2L) celebrated his landslide victory (65.5%) in the first-time Taipei city mayoral election in January 1951 with his supporters. Taipei has been the capital of the Republic of China since December 1949.

Republic of China still exists, albeit on a decreased scale. The status quo is accepted in large part because it does not define the legal or future status of Taiwan, leaving each group to interpret the situation in a way that is politically acceptable to its members. At the same time, a policy of status quo has been criticized as being dangerous precisely because different sides have different interpretations of what the status quo is, leading to the possibility of war through brinkmanship or miscalculation.

## Contents

- 1 Background
  - 1.1 Cession, retrocession and self-determination of Taiwan
- 2 Historical overview
  - 2.1 1895–1945 – Japanese rule
    - 2.1.1 Treaty of Shimonoseki
    - 2.1.2 Potsdam Declaration and surrender of Japan
  - 2.2 1945–Today – Post World War II status
    - 2.2.1 1947 – 228 Incident
    - 2.2.2 1950–1953 – Korean War and U.S. intervention
    - 2.2.3 1952 – Treaty of Peace with Japan (San Francisco)
    - 2.2.4 1952 – Treaty of Taipei
- 3 Question of sovereignty over Taiwan
  - 3.1 Position of the People's Republic of China (PRC)
  - 3.2 Position of the Republic of China (ROC)
  - 3.3 Position of other countries and international organizations
- 4 Legal arguments
  - 4.1 Arguments for the Republic of China and/or People's Republic of China sovereignty claims
  - 4.2 Arguments for Taiwanese self-sovereignty claims
  - 4.3 Arguments for United States sovereignty claims
- 5 Controversies
- 6 Possible military solutions and intervention
  - 6.1 PRC's condition on military intervention
  - 6.2 Balance of power
  - 6.3 Third Taiwan Strait Crisis
- 7 Developments since 2004 and future prospects
  - 7.1 Judicial
  - 7.2 Political
  - 7.3 Public opinion
  - 7.4 Changing Taiwan's status with respect to the ROC constitution



- 8 Note on terminology
  - 8.1 Political status vs. Taiwan issue
  - 8.2 De facto vs. de jure and whether ROC ceased to exist
- 9 See also
- 10 References
- 11 Further reading
- 12 External links

## Background

Taiwan (excluding Penghu) was first populated by Austronesian people and was colonized by the Dutch, who had arrived in 1623. The Kingdom of Tungning, lasting from 1661 to 1683, was the first Han Chinese government to rule Taiwan. From 1683, the Qing Dynasty ruled Taiwan as a prefecture and in 1875 divided the island into two prefectures. In 1885 the island was made into a separate Chinese province to speed up development in this region. In the aftermath of the First Sino-Japanese War, Taiwan and Penghu were ceded by the Qing Dynasty to Japan in 1895. Japanese troops in Taiwan surrendered to the Republic of China at end of World War II, putting Taiwan under a Chinese government again after 50 years of Japanese rule. The ROC would then claim sovereignty on the basis of the Qing dynasty's administration, Cairo Declaration, Potsdam Declaration, and Japanese Instrument of Surrender, but this became contested by pro-independence groups in subsequent years due to different perceptions of the said documents' legality. Upon losing the Chinese civil war in 1949, the ROC government retreated to Taipei, and kept control over a few islands along the coast of mainland China and in the South China Sea. The People's Republic of China (PRC) was established in mainland China on 1 October 1949, claiming to be the successor to the ROC.<sup>[3]</sup>

Quemoy, Matsu and Wuchiu on the coast of Fukien, Taiping and Pratas in the South China Sea, are part of the ROC's present territory, but were not ceded to Japan. Some arguments supporting the independence of Taiwan do not apply to these islands.

## Cession, retrocession and self-determination of Taiwan

China, during the Qing Dynasty, ceded the island of Taiwan, including Penghu, to Japan "in perpetuity" at the end of the First Sino-Japanese War by signing the Treaty of Shimonoseki. In the Cairo Conference of 1943, the allied powers agreed to have Japan restore "all the territories Japan has stolen from the Chinese", specifically listing "Formosa" and Penghu, to the Republic of China after the defeat of Japan. According to both the People's Republic of China and the Republic of China, this agreement was given legal force by the Instrument of Surrender of Japan in 1945. The PRC's UN Ambassador, Wang Yingfan (Chinese 王英凡), has stated multiple times in the UN general committee: "Taiwan is an inseparable part of China's territory since antiquity" and "both the 1943 Cairo Declaration and the 1945 Potsdam Declaration have reaffirmed in unequivocal terms China's sovereignty over Taiwan as a matter of international law." The PRC rejects arguments involving the lack of a specific treaty (San Francisco Peace Treaty) transferring Taiwan's sovereignty to China by noting that neither PRC nor ROC was a signatory to any such treaty, making the treaties irrelevant with regard to Chinese claims. The ROC argues that the Treaty of Taipei implicitly transferred sovereignty of Taiwan to it, however the US State Dept. disagreed with such an interpretation in its 1971 Starr Memorandum<sup>[4]</sup>

On the other hand, a number of supporters of Taiwan independence argue that Taiwan was only formally incorporated as a Chinese territory under the Qing Dynasty in 1683, and as a province in 1885. Subsequently, because of the Shimonoseki Treaty of 1895, Taiwan had been *de jure* part of Japan when the ROC was established in 1912 and thus was not part of the Chinese republic. Also, because the Cairo Declaration was an unsigned press communiqué, the independence advocates argue that the legal effectiveness of the Declaration is highly questionable. Furthermore, they point out that the Instrument of Surrender of Japan was no more than an armistice, a "modus vivendi" in nature, which served as a temporary or provisional agreement that would be replaced with a peace treaty. Therefore, only a military occupation of Taiwan began on 25 October 1945, and both the Treaty of San Francisco and Treaty of Taipei hold legal supremacy over the surrender instrument. These treaties did not transfer the title of Taiwan from Japan to China. According to this argument, the sovereignty of Taiwan was returned to the people of Taiwan when Japan renounced sovereignty of Taiwan in the Treaty of San Francisco (also known as San Francisco Peace Treaty, SFPT) in 1951, based on the policy of self-determination which has been applied to "territories which detached from enemy states as a result of the Second World War" as defined by article 76b and 77b of the United Nations Charter and also by the protocol of the Yalta Conference. The United Nations General Assembly has not been particularly receptive to this argument, and the ROC's applications for admission to the United Nations have been rejected 15 times.<sup>[5]</sup>

Although the interpretation of the peace treaties was used to challenge the legitimacy of the ROC on Taiwan before the 1990s, the introduction of popular elections in Taiwan has compromised this position. Except for the most extreme Taiwan independence supporters, most Taiwanese support the popular sovereignty theory and no longer see much conflict between this theory of sovereignty and the ROC position. In this sense, the ROC government currently administering Taiwan is not the same ROC which accepted Japanese surrender because the ruling authorities were given popular mandate by different pools of constituencies: one is the mainland Chinese electorate, the other is the Taiwanese constituencies. In fact, former president Chen Shui-bian has been frequently emphasizing the popular sovereignty theory in his speeches.

However, as of 2010, the conflict between these two theories still plays a role in internal Taiwanese politics. The popular sovereignty theory, which the pan-green coalition emphasizes, suggests that Taiwan could make fundamental constitutional changes by means of a popular referendum. The ROC legal theory, which is supported by the pan-blue coalition, suggests that any fundamental constitutional changes would require that the amendment procedure of the ROC constitution be followed.

From 2008, under the Ma Ying-Jeou administration, Taiwan has had an accommodating policy towards a One China Policy, with the Taipei Times quoting that Ma believes his administration is part of China.<sup>[6]</sup>

## Historical overview

### 1895–1945 – Japanese rule



According to the Treaty of Shimonoseki Taiwan was part of Japan at the establishment of the ROC in 1912. The PRC (founded 1 October 1949) argues that the Treaty of Shimonoseki was never valid, saying it was one of several unequal treaties forced upon the Qing.



## Treaty of Shimonoseki

Taiwan (Formosa) including the Pescadores were permanently ceded by Qing Dynasty China to Imperial Japan via Articles 2b and 2c of the Treaty of Shimonoseki in 8 May 1895 in one of what the Chinese term as an unequal treaty. Kinmen and Matsu Islands on the coast of Fukien, and the islands in the South China Sea currently administered by the Republic of China on Taiwan were not part of the cession.

In 1895, subsequent to the Treaty of Shimonoseki, officials in Taiwan declared independence in the hope of returning the island to Qing rule. The Republic of Taiwan (1895) collapsed after 12 days due to political infighting, but local leaders continued resistance in the hope of achieving self-rule. The incoming Japanese crushed the island's independence bid in a five-month campaign.

The Chinese Qing Dynasty was subsequently overthrown and replaced by the Republic of China (ROC). Upon the outbreak of the Second Sino-Japanese War, the ROC declared the Treaty of Shimonoseki void in its declaration of war on Japan. The war soon merged with World War II, and Japan was subsequently defeated in 1945 by the Allied Powers, of which the ROC was a part.

## Potsdam Declaration and surrender of Japan

The United States entered the War in December 1941. Most military attacks against Japanese installations and Japanese troops in Taiwan were conducted by United States military forces. At the Cairo Conference, the U.S., United Kingdom, and the ROC agreed that Taiwan was to be restored to the ROC after the war. This agreement was enunciated in the Cairo Declaration and the Potsdam Declaration, which outlined the terms of Japanese surrender, specified that the terms of the Cairo Declaration shall be carried out.

When Japan unconditionally surrendered, it accepted in its Instrument of Surrender the terms of the Potsdam Declaration. Japanese troops in Taiwan were directed to surrender to the representatives of the Supreme Allied Commander in the China Theater, Chiang Kai-shek (i.e. the Republic of China military forces) on behalf of the Allies, according to the directions of General Douglas MacArthur, head of the United States Military Government, in General Order No. 1, which was issued 2 September 1945. Chief Executive Chen Yi of Republic of China soon proclaimed "Taiwan Retrocession Day" on 25 October 1945. However, there is no international legal doctrine which can justify the Chinese claim that the sovereignty of Taiwan was formally transferred at that time.



A shopping bag produced by an independence-leaning pastry establishment. The address uses "State of Taiwan, Taipei County" (台灣國台北縣) rather than "Taiwan Province" (台灣省) or "Republic of China" (中華民國).



A ROC Map, printed in 1926, which didn't include Taiwan.



ROC proclaims Retrocession Day in October 1945.

## 1945–Today – Post World War II status

### 1947 – 228 Incident

When the 228 Incident erupted on February 28, 1947, the U.S. Consulate-General in Taipei prepared a report in early March, calling for an immediate intervention in the name of the U.S. or the United Nations. Based on the argument that the Japanese surrender did not formally transfer sovereignty, Taiwan was still legally part of Japan and occupied by the United States (with administrative authority for the occupation delegated to the Chinese Nationalists), and a direct intervention was appropriate for a territory with such status. This proposed intervention, however, was rejected by the U.S. State Department. In a news report on the aftermath of the *228 Incident*, some Taiwanese residents were reported to be talking of appealing to the United Nations to put the island under an international mandate, since China's possession of Taiwan had not been formalized by any international treaties by that time and the island was therefore still under belligerent occupation.<sup>[7]</sup> They later made a demand for a treaty role to be represented at the forthcoming peace conference on Japan, in the hope of requesting a plebiscite to determine the island's political future.<sup>[8]</sup>

### 1950–1953 – Korean War and U.S. intervention

At the start of 1950, U.S. President Harry S. Truman appeared to accept the idea that sovereignty over Taiwan was already settled when the United States Department of State stated that "In keeping with these [Cairo and Potsdam] declarations, Formosa was surrendered to Generalissimo Chiang-Kai Shek, and for the past 4 years, the United States and Other Allied Powers have accepted the exercise of Chinese authority over the Island."<sup>[9]</sup> However, after the outbreak of the Korean War, Truman decided to "neutralize" Taiwan claiming that it could otherwise trigger another world war. In June 1950, President Truman, who had previously given only passive support to Chiang Kai-shek and was prepared to see Taiwan fall into the hands of the Chinese Communists, vowed to stop the spread of communism and sent the U.S. Seventh Fleet into the Taiwan Strait to prevent the PRC from attacking Taiwan, but also to prevent the ROC from attacking mainland China. He then declared that "the determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations."<sup>[10]</sup> President Truman later reaffirmed the position "that all questions affecting Formosa be settled by peaceful means as envisaged in the Charter of the United Nations" in his special message to the Congress in July 1950.<sup>[11]</sup> The PRC denounced his moves as flagrant interference in the internal affairs of China.

On 8 September 1950, President Truman ordered John Foster Dulles, then Foreign Policy Advisor to the U.S. Secretary of State, to carry out his decision on "neutralizing" Taiwan in drafting the Treaty of Peace with Japan (San Francisco Peace Treaty) of 1951. According to George H. Kerr's memoir *Formosa Betrayed*, Dulles devised a plan whereby Japan would first merely renounce its sovereignty over Taiwan without a recipient country to allow the sovereignty over Taiwan to be determined together by the United States, the United Kingdom, Soviet Union, and Republic of China on behalf of other nations on the peace treaty. The question of Taiwan would be taken into the United Nations (which the ROC was still part), if these four parties could not reach into an agreement within one year.

### 1952 – Treaty of Peace with Japan (San Francisco)



When Japan regained sovereignty over itself in 1952 with the conclusion of the Treaty of Peace with Japan (San Francisco Peace Treaty) with 48 nations, Japan renounced all claims and title over Taiwan and the Pescadores.

Many claim that Japanese sovereignty only terminated at that point.<sup>[12]</sup> Notably absent at the peace conference was the ROC which was expelled from mainland China in December 1949 as a result of the Chinese Civil War and had retreated to Taiwan. The PRC, which was proclaimed 1 October 1949, was also not invited. The lack of invitation was probably due to the dispute over which government was the legitimate government of China (which both governments claimed to be); however, Cold War considerations might have played a part as well. Some major governments represented in the San Francisco Conference, such as the UK and Soviet Union, had already established relations with the PRC, while others, such as the U.S. and Japan, still held relations with the ROC.

The UK at that time stated for the record that the San Francisco Peace Treaty "itself does not determine the future of these islands," and therefore the UK, along with Australia and New Zealand, was happy to sign the peace treaty.<sup>[13]</sup> One of the major reasons that the delegate from the Soviet Union gave for not signing the treaty was that: "The draft contains only a reference to the renunciation by Japan of its rights to these territories [Taiwan] but intentionally omits any mention of the further fate of these territories."<sup>[13]</sup>

Article 25 of this treaty officially stipulated that only the Allied Powers defined in the treaty could benefit from this treaty. China was not listed as one of the Allied Powers; however, article 21 still provided limited benefits from Articles 10 and 14(a)2 for China. Japan's cession of Taiwan is unusual in that no recipient of Taiwan was stated as part of Dulles's plan of "neutralizing" Taiwan. The ROC protested its lack of invitation to the San Francisco Peace conference, to no avail.

## 1952 – Treaty of Taipei

Subsequently, the Treaty of Taipei was concluded between the ROC and Japan on 28 April 1952(effective 5 August), where Japan basically re-affirmed the terms of the San Francisco Peace Treaty, and formalized the peace between the ROC and Japan. It also nullified all previous treaties made between China and Japan, implicitly repealing the Treaty of Shimonoseki. Article 10 of the treaty specifies:

"For the purposes of the present Treaty, nationals of the Republic of China shall be deemed to include all the inhabitants and former inhabitants of Taiwan (Formosa) and Penghu (the Pescadores) and their descendants who are of the Chinese nationality in accordance with the laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores)."

However, the ROC Minister of Foreign Affairs George Kung-ch'ao Yeh told the Legislative Yuan after signing the treaty that: "The delicate international situation makes it that they [Taiwan and Penghu] do not belong to us. Under present circumstances, Japan has no right to transfer [Taiwan] to us; nor can we accept such a transfer from Japan even if she so wishes."<sup>[13]</sup> In July 1971 the U.S. State Department's position was, and remains: "As Taiwan and the Pescadores are not covered by any existing international disposition, sovereignty over the area is an unsettled question subject to future international resolution."<sup>[13]</sup>

## Question of sovereignty over Taiwan

### Position of the People's Republic of China (PRC)

The position of the PRC is that the ROC ceased to be a legitimate government upon the founding of the former on 1 October 1949 and that the PRC is the successor of the ROC as the sole legitimate government of China, with the right to rule Taiwan under the succession of states theory.<sup>[14]</sup>

The position of PRC is that the ROC and PRC are two different factions in the Chinese Civil War, which never legally ended. Therefore the PRC claims that both factions belong to the same sovereign country—China. Since, as per the PRC, Taiwan's sovereignty belongs to China, the PRC's government and supporters believe that the secession of Taiwan should be agreed upon by the 1.3 billion Chinese citizens instead of just the 23 million ROC citizens who currently live in Taiwan.<sup>[15]</sup>

Furthermore, the position of PRC is that UN General Assembly Resolution 2758, which states "Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations", means that the PRC is recognized as having the sovereignty of all of China, including Taiwan (established by Cairo Declaration, Potsdam Proclamation and Japanese Instrument of Surrender). Therefore, the PRC believes that it is within their legal rights to extend its jurisdiction to Taiwan, by military means if at all necessary.

In addition, the position of PRC is that the ROC does not meet the fourth criterion of the Montevideo Convention, as it is recognized by only 21 UN member states and has been denied access to international organizations such as the UN. The PRC points out the fact that the Montevideo Convention was only signed by 19 states at the Seventh International Conference of American States. Thus the authority of the United Nations as well as UN Resolutions should supersede the Montevideo Convention.

It is clear that the PRC still maintains that "there is only one China in the world" and "Taiwan is an inalienable part of China", however instead of "the Government of the People's Republic of China is the sole legal government of China", the PRC now emphasizes that "both Taiwan and the mainland belong to one and the same China". Although the current position allows for flexibility in terms of defining that "one China", any departure from the One-China policy is deemed unacceptable by the PRC government. The PRC government is unwilling to negotiate with the Republic of China government under any formulation other than One-China policy, although a more flexible definition of "one China" such as found in the 1992 consensus is possible under PRC policy. The PRC government considers the 1992 consensus a temporary measure to set aside sovereignty disputes and to enable talks.

The PRC government considers perceived violations of its "One-China policy" or inconsistencies with it such as supplying the ROC with arms a violation of its rights to territorial integrity.<sup>[16]</sup> International news organizations often report that "China considers Taiwan a renegade province that must be united with the mainland by force if necessary", even though the PRC does not explicitly say that Taiwan is a "renegade province" in any press releases. However, official PRC media outlets and officials often refer to Taiwan as "China's Taiwan Province" or simply "Taiwan, China", and pressure international organizations to use the term.



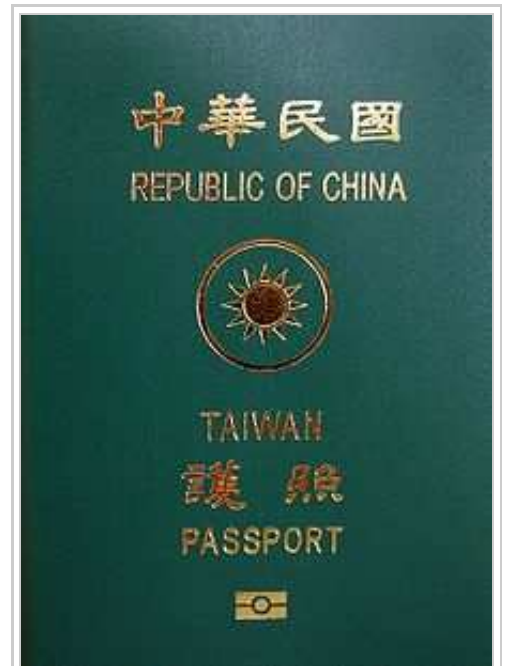
Mainland Travel Permit for Taiwan Residents. This permit is issued by the People's Republic of China to enable the Taiwan Nationals to travel to mainland China. The People's Republic of China refuses to accept the Republic of China passports.

## Position of the Republic of China (ROC)



The ROC argues that it maintains all the characteristics of a state and that it was not "replaced" or "succeeded" by the PRC because it has continued to exist long after the PRC's founding. According to the Montevideo Convention of 1933, the most cited source for the definition of statehood, a state must possess a permanent population, a defined territory, a government, and the capacity to enter into relations with other states. The ROC claims to meet all these criteria as it possesses a government exercising effective jurisdiction over well-defined territories with over 23 million permanent residents and a full fledged foreign ministry.

Both the original 1912 constitution and the 1923 'Cao' version failed to list Taiwan as a part of the ROC since the framers at the time considered Taiwan to be Japanese territory. It was only in the mid-1930s when both the CCP and KMT realised the future strategic importance of Taiwan that they altered their party positions to make a claim on Taiwan as a part of China. After losing the Civil War against the Communist Party in 1949, Chiang Kai-shek and the Nationalist Party fled to Taiwan, establishing a new government there, but always maintained that their government represented all of China, i.e. both Taiwan and the mainland.



Republic of China passport issued in 2009.

The position of most supporters of Taiwan independence is that the PRC is the government of China, that Taiwan is not part of China, and the 'Republic of China (Taiwan)' is an independent, sovereign state. The Democratic Progressive Party states that Taiwan has never been under the jurisdiction of the PRC, and that the PRC does not exercise any hold over the 23 million Taiwanese on the island. On the other hand, the position of most Chinese reunification supporters is that the Chinese Civil War is still not concluded as no peace agreement has ever been signed. Therefore, the current political separation across the Taiwan strait is only temporary and a reunified China including both mainland China and Taiwan will be the result.

The position of the Republic of China had been that it was a *de jure* sovereign state. "Republic of China," according to the ROC government's definition, extended to both mainland China (Including Hong Kong and Macau) and the island of Taiwan.<sup>[17]</sup>

In 1991, President Lee Teng-hui unofficially claimed that the government would no longer challenge the rule of the Communists in mainland China, the ROC government under Kuomintang (KMT) rule actively maintained that it was the sole legitimate government of China. The Courts in Taiwan have never accepted President Lee's statement, primarily due to the reason that the (now defunct) National Assembly never officially changed the acclaimed national borders. Notably, the People's Republic of China claims that changing the national borders would be "a precursor to Taiwan independence". The task of changing the national borders now requires a constitutional amendment passed by the Legislative Yuan and ratified by a majority of all eligible ROC voters, which the PRC has implied would constitute grounds for military attack.

On the other hand, though the constitution of the Republic of China promulgated in 1946 does not state exactly what territory it includes, the draft of the constitution of 1925 did individually list the provinces of the Republic of China and Taiwan was not among them, since Taiwan was arguably *de jure* part of Japan as the result of the Treaty of Shimonoseki of 1895. The constitution also stipulated in Article I.4, that "the territory of the ROC is the original territory governed by it; unless authorized by the National Assembly, it cannot be altered." However, in 1946, Sun Fo, son of Sun Yat-Sen and the minister of the Executive Yuan of the ROC, reported to the National

Assembly that "there are two types of territory changes: 1. renouncing territory and 2. annexing new territory. The first example would be the independence of Mongolia, and the second example would be the reclamation of Taiwan. Both would be examples of territory changes." Japan renounced all rights to Taiwan in the Treaty of San Francisco in 1951 and the Treaty of Taipei of 1952 without an explicit recipient. While the ROC continuously ruled Taiwan after the government was directed to Taiwan by the General Order No. 1 (1945) to receive Japanese surrender, there has never been a meeting of the ROC National Assembly in making a territory change according to the ROC constitution. The explanatory memorandum to the constitution explained the omission of individually listing the provinces as opposed to the earlier drafts was an act of deliberate ambiguity: as the ROC government does not recognize the validity of the Treaty of Shimonoseki, based on Chiang Kai-shek's Denunciation of the treaty in the late 1930s, hence (according to this argument) the sovereignty of Taiwan was never disposed by China. A ratification by the ROC National Assembly is therefore unnecessary.

The Additional Articles of the Constitution of the Republic of China have mentioned "Taiwan Province," and the now defunct National Assembly passed constitutional amendments that give the people of the "Free Area of the Republic of China", comprising the territories under its current jurisdiction, the sole right, until reunification, to exercise the sovereignty of the Republic through elections<sup>[17][18]</sup> of the President and the entire Legislature as well as through elections to ratify amendments to the ROC constitution. Also, Chapter I, Article 2 of the ROC constitution states that "The sovereignty of the Republic of China shall reside in the whole body of citizens." This suggests that the constitution implicitly admits that the sovereignty of the ROC is limited to the areas that it controls even if there is no constitutional amendment that explicitly spells out the ROC's borders.

In 1999, ROC President Lee Teng-hui proposed a two-state theory (兩國論) in which both the Republic of China and the People's Republic of China would acknowledge that they are two separate countries with a special diplomatic, cultural and historic relationship.<sup>[19][20]</sup> This however drew an angry reaction from the PRC who believed that Lee was covertly supporting Taiwan independence.<sup>[21]</sup>

President Chen Shui-bian (2000 – May 2008) fully supported the idea that the "Republic of China is an independent, sovereign country" but held the view that the Republic of China is Taiwan and Taiwan does not belong to the People's Republic of China. This is suggested in his Four-stage Theory of the Republic of China. Due to the necessity of avoiding war with the PRC however, President Chen had refrained from formally declaring Taiwan's independence. Government publications have implied that Taiwan refers to the ROC, and "China" refers to the PRC.<sup>[17]</sup> After becoming chairman of the Democratic Progressive Party in July 2002, Chen appeared to move further than Lee's special two-state theory and in early August 2002, by putting forward the "one country on each side"



Exit and Entry Permit Taiwan, Republic of China. This permit is issued by the Republic of China to enable residents of mainland China, Hong Kong and Macau to travel to Taiwan. The Republic of China refuses to accept People's Republic of China passports.



The building of the Provincial Government of the Taiwan Province of the Republic of China at Zhongxing Village



concept, he stated that Taiwan may "go on its own Taiwanese road" and that "it is clear that the two sides of the straits are separate countries." These statements essentially eliminate any "special" factors in the relations and were strongly criticized by opposition parties in Taiwan. President Chen has repeatedly refused to endorse the One China Principle or the more "flexible" 1992 Consensus the PRC demands as a precursor to negotiations with the PRC. During Chen's presidency, there had not been any successful attempts to restart negotiations on a semi-official level.

In the 2008 ROC elections, the people delivered KMT's Ma Ying-jeou with an election win as well as a sizable majority in the legislature. President Ma, throughout his election campaign, maintained that he would accept the 1992 consensus and promote better relations with the PRC. In respect of Taiwan political status, his policy was 1. he would not negotiate with the PRC on the subject of reunification during his term; 2. he would never declare Taiwan independence; and 3. he would not provoke the PRC into attacking Taiwan. He officially accepted the 1992 Consensus in his inauguration speech which resulted in direct semi-official talks with the PRC, and this later led to the commencement of weekend direct charter flights between mainland China and Taiwan. President Ma also interprets the cross-strait relations as "special", "but not that between two nations".<sup>[22]</sup> He later stated that mainland China is part of the territory of the Republic of China, and laws relating to international relations are not applicable to the relations between mainland China and Taiwan, as they are parts of a state.<sup>[2][23][24]</sup>

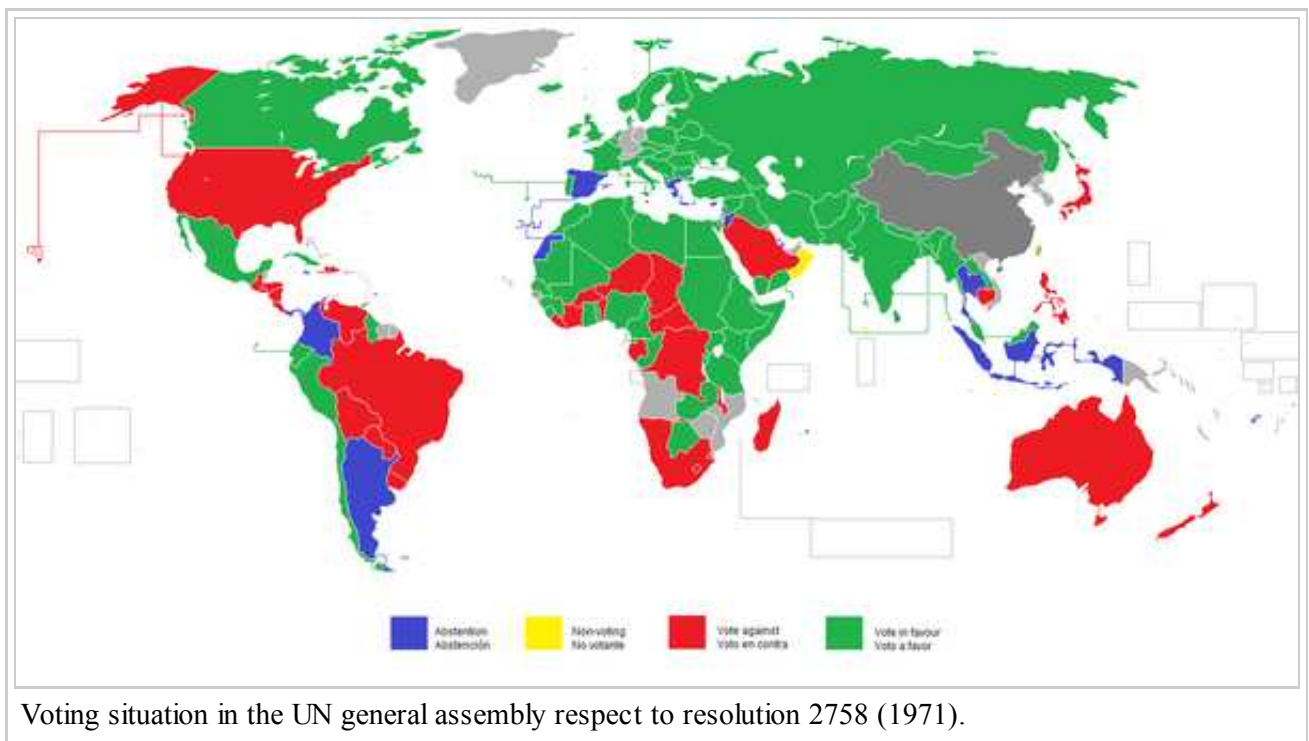


The Republic of China Presidential Office Building is located in the Zhongzheng District of Taipei.

## Position of other countries and international organizations

*See also Foreign relations of the Republic of China*

Because  
of anti-



communist sentiment at the start of the Cold War, the Republic of China was initially recognized as the sole

legitimate government of China by the United Nations and most Western nations. On 9 January 1950, the Israeli government extended recognition to the People's Republic of China. United Nations General Assembly Resolution 505, passed on 1 February 1952 considered the Chinese communists to be rebels against the Republic of China. However, the 1970s saw a switch in diplomatic recognitions from the ROC to the PRC. On 25 October 1971, Resolution 2758 was passed by the UN General Assembly, which "decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it." Multiple attempts by the Republic of China to rejoin the UN, no longer to represent all of China but just the people of the territories it governs, have not made it past committee, largely due to diplomatic maneuvering by the PRC, which claims Resolution 2758 has settled the matter. (*See China and the United Nations.*)

The PRC refuses to maintain diplomatic relations with any nation that recognizes the ROC,<sup>[14]</sup> but does not object to nations conducting economic, cultural, and other such exchanges with Taiwan that do not imply diplomatic relation. Therefore, many nations that have diplomatic relations with Beijing maintain quasi-diplomatic offices in Taipei. Similarly, the government in Taiwan maintains quasi-diplomatic offices in most nations under various names, most commonly as the Taipei Economic and Cultural Office.

The United States of America is one of the main allies of Taiwan and, since the Taiwan Relations Act passed in 1979, the United States has sold arms and provided military training to the Republic of China Armed Forces.<sup>[25]</sup> This situation continues to be a point of contention for China, which considers US involvement disruptive to the stability of the region. In January 2010, the Obama administration announced its intention to sell \$6.4 billion worth of military hardware to Taiwan. As a consequence, China threatened the United States with economic sanctions and warned that their cooperation on international and regional issues could suffer.<sup>[26]</sup> The official position of the United States is that China is expected to "use no force or threat[en] to use force against Taiwan" and that Taiwan is to "exercise prudence in managing all aspects of Cross-Strait relations." Both are to refrain from performing actions or espousing statements "that would unilaterally alter Taiwan's status."<sup>[27]</sup> The United States maintains the American Institute in Taiwan.



With President Chiang Kai-shek, the U.S. President Dwight D. Eisenhower waved hands to Taiwanese people during his visit to Taipei, Taiwan in June 1960.

The United States, Canada, the United Kingdom, Republic of India, Pakistan and Japan have formally adopted the One China policy, under which the People's Republic of China is theoretically the sole legitimate government of China. However, the United States and Japan *acknowledge* rather than *recognize* the PRC position that Taiwan is part of China. In the case of Canada<sup>[28]</sup> and the UK, bilateral written agreements state that the two respective parties *take note* of Beijing's position but do not use the word *support*. The UK government position that "the future of Taiwan be decided peacefully by the peoples of both sides of the Strait" has been stated several times. Despite the PRC claim that the United States opposes Taiwanese independence, the United States takes advantage of the subtle difference between "oppose" and "does not support". In fact, a substantial majority of the statements Washington has made says that it "does not support Taiwan independence" instead of saying that it "opposes" independence. Thus, the US currently does not take a position on the political outcome, except for one explicit condition that there be a peaceful resolution to the differences between the two sides of the Taiwan Strait.<sup>[29]</sup> The



United States bi-partisan position is that it doesn't *recognize* the PRC's claim over Taiwan, and considers Taiwan's status as unsettled.<sup>[30]</sup> All of this ambiguity has resulted in the United States constantly walking on a diplomatic tightrope with regard to cross strait relations.

The ROC maintains formal diplomatic relations with 21 UN member states, mostly in Central America and Africa. Additionally, the Holy See also recognizes the ROC, a largely non-Christian/Catholic state, mainly to protest what it sees as the PRC's suppression of the Catholic faith in mainland China. However, Vatican diplomats were engaged in talks with PRC politicians at the time of Pope John Paul II's death, with a view towards improving relations between the two countries. When asked, one Vatican diplomat suggested that relations with Taiwan might prove "expendable" should PRC be willing to engage in positive diplomatic relations with the Holy See.<sup>[31]</sup> Under Pope Benedict XVI the Vatican and PRC have shown greater interest in establishing ties, including the appointment of pro-Vatican bishops and the Pope canceling a planned visit from the Dalai Lama.<sup>[32]</sup>



President Chen Shui-bian (*far left*) attended the funeral of Pope John Paul II in 2005. As the Holy See's recognized head of state of China, Chen was seated in the front row (in French alphabetical order) beside the first lady and president of Brazil.

During the 1990s, there was a diplomatic tug of war in which the PRC and ROC attempted to outbid each other to obtain the diplomatic support of small nations. This struggle seems to have slowed as a result of the PRC's growing economic power and doubts in Taiwan as to whether this aid was actually in the Republic of China's interest. In March 2004, Dominica switched recognition to the PRC in exchange for a large aid package.<sup>[33]</sup> However, in late 2004, Vanuatu briefly switched recognition from Beijing to Taipei,<sup>[34]</sup> leading to the ousting of its Prime Minister and a return to its recognition of Beijing.<sup>[35]</sup> On 20 January 2005, Grenada switched its recognition from Taipei to Beijing, in return for millions in aid (US\$1,500 for every Grenadian).<sup>[36]</sup> However, on 14 May 2005, Nauru announced the restoration of formal diplomatic relations with Taipei after a three-year hiatus, during which it briefly recognized the People's Republic of China.<sup>[37]</sup>

On 26 October 2005, Senegal broke off relations with the Republic of China and established diplomatic contacts with Beijing.<sup>[38]</sup> The following year, on 5 August 2006, Taipei ended relations with Chad when Chad established relations with Beijing.<sup>[39]</sup> On 26 April 2007, however, Saint Lucia, which had previously severed ties with the Republic of China following a change of government in December 1996, announced the restoration of formal diplomatic relations with Taipei.<sup>[40]</sup> On 7 June 2007, Costa Rica broke off diplomatic ties with the Republic of China in favour of the People's Republic of China.<sup>[41]</sup> In January 2008 Malawi's foreign minister reported Malawi decided to cut diplomatic recognition of the Republic of China and recognize the People's Republic of China.<sup>[42]</sup>

The latest country to break off with Taiwan was Gambia. On 4 November 2013, the Government of Gambia announced its break up with Taiwan, but the Foreign Affairs Ministry of China denied any ties with this political movement, adding that they weren't considering on building a relation with this African nation.<sup>[43]</sup>

Currently, the countries who maintain formal diplomatic relations with the ROC are:

-  Belize (1989)
-  Palau (1999)

-  Burkina Faso (1994)
-  Dominican Republic (1957)
-  El Salvador (1961)
-  Guatemala (1960)
-  Haiti (1956)
-  Honduras (1965)
-  Kiribati (2003)
-  Marshall Islands (1998)
-  Nauru (1980–2002, 2005)
-  Nicaragua (1990)
-  Panama (1954)
-  Paraguay (1957)
-  Saint Kitts and Nevis (1983)
-  Saint Lucia (1984–1997, 2007)
-  Saint Vincent and the Grenadines (1981)
-  São Tomé and Príncipe (1997)
-  Solomon Islands (1983)
-  Swaziland (1968)
-  Tuvalu (1979)
-  Vatican City (The Holy See) (1942)

Under continuing pressure from the PRC to bar any representation of the ROC that may imply statehood, international organizations have adopted different policies toward the issue of ROC's participation. In cases where almost all UN members or sovereign states participate, such as the World Health Organization,<sup>[44]</sup> the ROC has been completely shut out, while in others, such as the World Trade Organization (WTO) and International Olympic Committee (IOC) the ROC participates under unusual names: "Chinese Taipei" in the case of APEC and the IOC, and the "Separate Customs Territory of Taiwan, Penghu, Kimmen and Matsu" (often shortened as "Chinese Taipei") in the case of the WTO. The issue of ROC's name came under scrutiny during the 2006 World Baseball Classic. The organizers of the 16-team tournament intended to call Taiwan as such, but reverted to "Chinese Taipei" under pressure from PRC. The ROC protested the decision, claiming that the WBC is not an IOC event, but did not prevail. The ISO 3166 directory of names of countries and territories registers Taiwan (TW) separately from and in addition to the People's Republic of China (CN), but lists Taiwan as "Taiwan, Province of China" based on the name used by the UN under PRC pressure. In ISO 3166-2:CN, Taiwan is also coded CN-71 under China, thus making Taiwan part of China in ISO 3166-1 and ISO 3166-2 categories.

Naming issues surrounding Taiwan/ROC continue to be a contentious issue in non-governmental organizations such as the Lions Club, which faced considerable controversy naming its Taiwanese branch.<sup>[45]</sup>

## Legal arguments

### Arguments for the Republic of China and/or People's Republic of China sovereignty claims

Today, the ROC is the *de facto* government of Taiwan; whereas the PRC is the *de facto* government over Mainland China. However, each government claims to be the legitimate government of all China *de jure*. The arguments below are frequently used by proponents and/or opponents of these claims.

#### Arguments common to both the PRC and ROC



The ROC and PRC both officially support the One China policy and thus share common arguments. In the arguments below, "Chinese" is an ambiguous term that could mean the PRC and/or ROC as legal government(s) of China.

1. The waging of aggressive war by Japan against China in 1937 and beyond violates the peace that was brokered in the Treaty of Shimonoseki. In 1941, with the declaration of war against Japan, the Chinese government declared this treaty void *ab initio* (never happened in the first place). Therefore, some argue that, with no valid transfer of sovereignty taking place, the sovereignty of Taiwan naturally belongs to China.<sup>[46]</sup>
2. The Cairo Declaration of 1 December 1943 was accepted by Japan in its surrender. This document states that Taiwan was to be restored to the Republic of China at the end of World War II.<sup>[47]</sup> Likewise, the Potsdam Declaration of 26 July 1945, also accepted by Japan, implies that it will no longer have sovereignty over Taiwan by stating that "Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands".<sup>[48]</sup>
3. The proclamation of Taiwan Retrocession Day on October 25, 1945, by the ROC (when the PRC had not yet been founded) was entirely uncontested. Had another party been sovereign over Taiwan, that party would have had a period of years in which to protest, and its failure to do so represents cession of rights in the manner of prescription. The lack of protest by any non-Chinese government persists to this day, further strengthening this argument.<sup>[49]</sup>
4. The exclusion of Chinese governments (both ROC and PRC) in the negotiation process of the San Francisco Peace Treaty (SFPT) nullified any legal binding power of the SFPT on China, including any act of renouncing or disposing of sovereignty. In addition, the fact that neither ROC nor PRC government ever ratified SFPT terms, prescribes that the SFPT is irrelevant to any discussion of Chinese sovereignty.
5. Even if the SFPT were determinative, it should be interpreted in a manner consistent with the Potsdam and Cairo Declarations, therefore sovereignty would still have been transferred to China.<sup>[50]</sup>
6. SFPT's validity has come into question as some of the countries participating in the San Francisco conference, such as the USSR, Poland, Czechoslovakia and North and South Korea refused to sign the treaty.<sup>[51]</sup>
7. Assuming SFPT is valid in determining the sovereignty over Taiwan, Japan, in the article 2 of the SFPT, renounced all rights, without assigning a recipient, regarding Taiwan. Japan in the same article also renounced, without assigning a recipient, areas which are now internationally recognised as territories of Russia as well as other countries. Given that the sovereignty of these countries over renounced areas are undisputed, the Chinese sovereignty over Taiwan must also be undisputed.<sup>[51]</sup>

### Arguments in support of ROC sovereignty claims

1. The ROC fulfills all requirements for a state according to the Convention of Montevideo, which means it has a territory, a people, and a government.

2. The ROC continues to exist since its establishment in 1911, only on a reduced territory after 1949.
3. The creation and continuity of a state is only a factual issue, not a legal question. Declarations and recognition by other states can't have any impact on their existence. According to the declaratory theory of recognition, the recognition of third states are not a requirement for being a state. Most of the cited declarations by American or British politicians are not legal statements but solely political intents.
4. The PRC has never exercised control over Taiwan.
5. The Treaty of Taipei formalized the peace between Japan and the ROC. In it, Japan reaffirmed Cairo Declaration and Potsdam Declaration and voided all treaties conducted between China and Japan (including the Treaty of Shimonoseki).
6. Applying the principle of *uti possidetis* with regard to the Treaty of Taipei would grant Taiwan's sovereignty to the ROC, as it is undisputed that at the coming into force of the treaty, the ROC controlled Taiwan.<sup>[52]</sup>
7. Article 4 of the ROC Constitution clearly states that "The territory of the Republic of China" is defined "according to its existing national boundaries..." Taiwan was historically part of China and is therefore naturally included therein. Also, as Treaty of Shimonoseki is void *ab initio*, China has never legally dispossessed of the sovereignty of the territory. There is, accordingly, no need to have a National Assembly resolution to include the territory.
8. The ROC – USA Mutual Defense Treaty of 1955 states that "the terms "territorial" and "territories" shall mean in respect of the Republic of China, Taiwan and the Pescadores" and thus can be read as implicitly recognizing the ROC sovereignty over Taiwan.<sup>[53]</sup> However, the treaty was terminated in 1980.

### Arguments in support of PRC sovereignty claims

1. The PRC does not recognize the validity of any of the unequal treaties the Qing signed in the "century of humiliation," as it considers them all unjust and illegal, as is the position during Transfer of sovereignty of Hong Kong from the United Kingdom to the PRC. As such, the cession of Taiwan in the 1895 Treaty of Shimonoseki actually never took place in a *de jure* fashion. The PRC, as the successor to the Qing and ROC in that order, therefore inherited the sovereignty of Taiwan.
2. The return of the sovereignty of Taiwan to the ROC was confirmed on October 25, 1945, on the basis of the Cairo Declaration, Potsdam Proclamation, Japanese Instrument of Surrender, and the invalidity of the Treaty of Shimonoseki. According to United Nations General Assembly Resolution 2758, the PRC became the successor government to the ROC in representing China, and as such the PRC unquestionably holds the sovereignty of Taiwan.
3. In the Joint Communiqué of the Government of Japan and the Government of the People's Republic of China to the end of Treaty of Taipei, the document signifying the commencement of the PRC and Japan's formal relations, Japan in article 3 stated that it fully understands and respects the position of the Government of the People's Republic of China that Taiwan is an inalienable part of the territory of the People's Republic of China. Japan also firmly maintains its stand under Article 8 of the Potsdam Declaration which says "the terms



of the Cairo Declaration shall be carried out". The Cairo Declaration says "All territories Japan has stolen from China, including Manchuria, Taiwan, and the Pescadores, shall be restored to the Republic of China". The PRC argues that it is a successor state of the ROC and is therefore entitled to all of the ROC's holdings and benefits.<sup>[54]</sup>

## Arguments for Taiwanese self-sovereignty claims

### Arguments for Taiwan already being an independent, sovereign nation

1. The peace that was brokered in the Treaty of Shimonoseki was breached by the Boxer Rebellion, which led to the conclusion of the Boxer Protocol of 1901 (Peace Agreement between the Great Powers and China),<sup>[55]</sup> and China, not by the Second Sino-Japanese War. The Treaty of Shimonoseki was a dispositive treaty, therefore it is not voidable or nullifiable (this doctrine being that treaties specifying particular actions which can be *completed*, once the action *gets completed*, *cannot* be voided or reversed without a new treaty specifically reversing that clause). Hence, the *unequal treaty doctrine* cannot be applied to this treaty. By way of comparison, as 200,000,000 Kuping taels were not returned to China from Japan, and Korea had not become a Chinese-dependent country again, the cession in the treaty was executed and cannot be nullified. The disposition of Formosa and the Pescadores in this treaty was a legitimate cession by conquest, confirmed by treaty, and thus is not a theft, as described as "all the territories Japan has stolen from the Chinese" in Cairo Declaration.
2. It should also be noted that the Qing court exercised effective sovereignty over primarily the west coast of Taiwan only, and even then did not regard the area as an integral part of national Chinese territory.
3. The "Cairo Declaration" was merely an unsigned press communique which does not carry a legal status, while the Potsdam Proclamation and Instrument of Surrender are simply *modus vivendi* and armistice that function as temporary records and do not bear legally binding power to transfer sovereignty. Good faith of interpretation only takes place at the level of treaties.
4. The "retrocession" proclaimed by ROC in 1945 was legally null and impossible since Taiwan was still *de jure* part of Japan before the post-war San Francisco Peace Treaty came into effect on April 28, 1952. Consequently, the announcement of the mass-naturalization of native Taiwanese persons as ROC citizens in January 1946 is unjust and void *Ab initio*. After the San Francisco Peace Treaty came into effect, the sovereignty of Taiwan naturally belonged to the Taiwanese people.
5. While Taiwan independence supporters once used arguments not in favor of Chinese sovereignty to dispute to legitimacy of the Kuomintang-controlled government that ruled over Taiwan, these arguments have been dropped by a majority (except the most extreme) supporters of independence due to the democratization of Taiwan. This has allowed the more moderate supporters of independence to stress the popular sovereignty theory in order to accept the legitimacy of the Republic of China (whose government the Democratic Progressive Party used to control) in Taiwan. Former President Chen Shui-bian, by his interpretation of the

"Republic of China", has repeatedly confirmed that the "Republic of China is Taiwan."

#### 6. Sovereignty transfer to the ROC by prescription does not apply to Taiwan's case since:

1) Prescription is the manner of acquiring property by a long, honest, and uninterrupted possession or use during the time required by law. The possession must have been *possessio longa, continua, et pacifica, nec sit legitima interruptio* (long, continued, peaceable, and without lawful interruption). For prescription to apply, the state with title to the territory must acquiesce to the action of the other state. Yet, PRC has never established an occupation on Taiwan and exercised sovereignty, 2) Prescription as a rule for acquiring sovereignty itself is not universally accepted. The International Court of Justice ruled that Belgium retained its sovereignty over territories even by non-assertion of its rights and by acquiescence to acts of sovereign control alleged to have been exercised by the Netherlands over a period of 109 years.,<sup>[56]</sup> 3) Also by way of comparison, even after 38 years of continuous control, the international community did not recognize sovereignty rights to the Gaza Strip by Israel, and the Israeli cabinet formally declared an end to military rule there as of September 12, 2005, with a removal of all Israeli settlers and military bases from the Strip, 4) A pro-independence group, which formed a *Provisional Government of Formosa* in 2000, argued that both the 228 incident of 1947 and the Provisional Government of Formosa have constituted protests against ROC government's claim of retrocession within a reasonable twenty-five year (or more) acquiescence period,<sup>[57]</sup> 5) Taiwanese residents were unable to make a protest after the 228 incident due to the authoritarian rule under KMT regime which suppressed all pro-independence opinion, 6) Japan was not able to cast a protest as it was under military occupation at the time; however it did not renounce its sovereignty over Taiwan until April 28, 1952.<sup>[58]</sup>

#### **Arguments by various groups that claim Taiwan should declare itself to be an independent sovereign nation**

1. As one of the "territories which detached from enemy states as a result of the Second World War" defined in the articles 76b and 77b of the United Nations Charter, which China signed in 1945 and also defined in the protocol of Yalta Conference, Taiwan qualifies for the UN trusteeship program, and after a period of time would later be considered fully independent. The ROC, as a founding member of the United Nations, has a treaty obligation to comply with the UN Charter and to help the people living in Taiwan enjoy the right of self-determination.
2. The San Francisco Peace Treaty is definitive, where Japan ceded Taiwan (like Sakhalin and Kuril Islands etc.) without specifying a clear recipient. China was prohibited from acquiring Taiwan sovereignty as a benefit when the treaty was finalized. Moreover, the Treaty of Taipei only became effective on August 5, 1952, over three months after the coming into force of the San Francisco Peace Treaty on April 28, 1952. Hence, the Treaty of Taipei cannot be interpreted to have ceded the sovereignty of Taiwan to the ROC or the PRC, but only as a recognition of the territories which ROC had and under its control, as Japan cannot cede what it no longer possessed.



3. Since the peace brokered in the Boxer Protocol of 1901 was breached by the second Sino-Japanese War, the San Francisco Peace Treaty specifies that the date to be used in returning territory to China in Article 10 was 1901, not 1895. The postliminium restoration of China was completed without sovereignty over Taiwan since Taiwan was not part of China when the first Chinese Republic was established in 1911. Moreover, the Treaty of Taipei was abrogated by Japan upon the PRC's request in 1972.
4. Cession of Taiwan without a recipient was neither unusual nor unique, since Cuba, as a precedent, was ceded by Spain without recipient in Treaty of Paris of 1898 as the result of Spanish-American War. Cuba reached independence in May 1902. At the end of WWII, Libya and Somaliland were also relinquished without recipient by Italy in the Treaty of peace with Italy of 1947 and both reached independence later.
5. The Nationality Law of the Republic of China was originally promulgated in February 1929. However, no amendment or change to this law or any other law has ever been made by the Legislative Yuan in the post WWII period to reflect any mass-naturalization of native Taiwanese persons as ROC citizens. This is important because Article 10 of the Treaty of Taipei specifies: "For the purposes of the present Treaty, nationals of the Republic of China shall be deemed to include all the inhabitants and former inhabitants of Taiwan (Formosa) and Penghu (the Pescadores) and their descendants who are of the Chinese nationality in accordance with the laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores) ... " Since no relevant laws or regulations have ever been promulgated, there is no legal basis to consider native Taiwanese persons as ROC citizens.
6. Furthermore it is recognized that the ROC government currently administering Taiwan is not the same ROC that accepted Japanese surrender in 1945, because the ruling authorities were given popular mandate by different pools of constituencies: one is the mainland Chinese electorate, the other local Taiwanese. The popular sovereignty theory, to which the Pan-Green coalition subscribes, emphasizes that Taiwan could make fundamental constitutional changes and choose a new national title by means of a popular referendum. (In contrast, the ROC legal theory, which is supported by the Pan-Blue coalition suggests that any fundamental constitutional changes would require that the amendment procedure of the ROC constitution be followed.)
7. Nevertheless the popular sovereignty theory does not contradict any arguments in favor of self-determination, nor does it affirm arguments in favor of Chinese sovereignty. This means that at present the only obstacle against declaring Taiwan independence is a lack of consensus among the Taiwanese people to do so; however it is clear that the consensus is changing as the Taiwanese people begin preparations for their 15th application for entrance to the United Nations in the fall of 2007.
8. The San Francisco Peace Treaty's omission of China as a participant was not an accident of history, but reflected the status that the ROC had failed to maintain its original position as the *de jure* and *de facto* government of the whole China. By fleeing of the ROC government to Taiwan island in December 1949, and the ROC is then arguably to become a government in exile status.<sup>[59][60][61]</sup> Under international law, there are no actions which a government in exile can take in its current location of residence in order to be

recognized as the local legitimate government. Hence, Taiwan's current international situation has arisen from the fact that the ROC is not completely internationally recognized as a legitimate state. (Note: the ROC government has limited recognition as the sole legitimate government of China (including Taiwan), but not as a government of Taiwan island.)

## Arguments for United States sovereignty claims

A small number of people have argued that the United States holds in trust the sovereignty over Taiwan based on the San Francisco Peace Treaty's cession of Taiwan without a recipient.<sup>[62]</sup> Article 23 of the San Francisco Peace Treaty designated the US as "the principal occupying power" with respect to the territories covered by the geographical scope of the treaty, including "Formosa and the Pescadores."

The argument also states that the ROC troops were acting under the directions of the United States when taking over the administration of Taiwan after the completion of the October 25, 1945, Japanese surrender ceremonies. The principal-agent relationship between the USA and the ROC was argued to never have been formally terminated.

On October 24, 2006, Dr. Roger C. S. Lin led a group of Taiwanese residents, including members of the Taiwan Nation Party, to file a Complaint for Declaratory Relief in the United States District Court for the District of Columbia. According to their lawyer, Mr. Charles Camp, "[t]he Complaint asks the Court to declare whether the Taiwanese plaintiffs, including members of the Taiwan Nation Party, have certain rights under the United States Constitution and other US laws".<sup>[63]</sup> Their central argument is that, following Japanese renunciation of all rights and claims to Taiwan, Taiwan came under U.S. jurisdiction based on it being the principal occupying power as designated in the Treaty of Peace with Japan and remains so to this day. Moreover, the plaintiffs claimed that the United States has never recognized the incorporation of Taiwan into Chinese national territory.<sup>[64]</sup> The defendant in this case was the United States government.

The District Court agreed with United States government on March 18, 2008 and ruled that the case presents a political question; as such, the court concluded that it had no jurisdiction to hear the matter and dismissed the complaint.<sup>[65][66]</sup> This decision was appealed by plaintiffs.<sup>[67]</sup> The appeals court unanimously upheld the district court ruling and dismissed the appeal.<sup>[68]</sup>

## Controversies

Many political leaders who have maintained some form of One-China Policy have committed slips of the tongue in referring to Taiwan as a country or as the Republic of China. United States presidents Ronald Reagan and George W. Bush have been known to have referred to Taiwan as a country during their terms of office. Although near the end of his term as U.S. Secretary of State, Colin Powell said that Taiwan is not a state, he referred to Taiwan as the Republic of China twice during a testimony to the U.S. Senate Foreign Relations Committee on 9 March 2001.<sup>[69]</sup> In the People's Republic of China Premier Zhu Rongji's farewell speech to the National People's



The Takasago Tribal (Northern) Office of the self-proclaimed Taiwan Civil Government, which claims that Taiwan is under the jurisdiction of the USA. Note the flag of the USA on display.



Congress, Zhu accidentally referred to Mainland China and Taiwan as two countries.<sup>[70]</sup> There are also those from the PRC who informally refer to Taiwan as a country.<sup>[71]</sup> South Africa delegates once referred to Taiwan as the "Republic of Taiwan" during Lee Teng-hui's term as President of the ROC.<sup>[72]</sup> In 2002, Michael Bloomberg, the mayor of New York City, referred to Taiwan as a country.<sup>[73]</sup> Most recently, former US Secretary of Defense Donald Rumsfeld stated in a local Chinese newspaper in California in July 2005 that Taiwan is "a sovereign nation". The People's Republic of China discovered the statement about three months after it was made.

In a controversial speech on 4 February 2006, Japanese Foreign Minister Taro Aso called Taiwan a country with very high education levels because of previous Japanese colonial rule over the island.<sup>[74]</sup> One month later, he told a Japanese parliamentary committee that "[Taiwan's] democracy is considerably matured and liberal economics is deeply ingrained, so it is a law-abiding country. In various ways, it is a country that shares a sense of values with Japan." At the same time, he admitted that "I know there will be a problem with calling [Taiwan] a country".<sup>[75]</sup> Later, the Japanese Foreign Ministry tried to downplay or reinterpret his remarks.

In February 2007, the Royal Grenada Police Band played the National Anthem of the Republic of China in an inauguration of the reconstructed St George's Queen's Park Stadium funded by the PRC. Grenada had broken off diplomatic relations with Taiwan just two years prior in favor of the PRC.<sup>[76]</sup>

When the Kuomintang visited Mainland China in 2005, the government-controlled PRC media called this event a "visit," and called the KMT one of "Taiwan's political parties" even though the Kuomintang's full name remains the "Chinese Nationalist Party." Interestingly in Mainland China, there is a legal party called the Revolutionary Committee of the Kuomintang that is officially one of the nine "consultative parties," according to the PRC's Chinese People's Political Consultative Conference.

On the Foreign Missions page of the Saudi Arabian Ministry of Foreign Affairs for China, the embassy of the People's Republic of China was referred to as the 'Republic of China'.<sup>[77]</sup>

## Possible military solutions and intervention

Until 1979, both sides intended to resolve the conflict militarily. Intermittent clashes occurred throughout the 1950s and 1960s, with escalations comprising the First and Second Taiwan Strait crises. In 1979, with the U.S. change of diplomatic recognition to the PRC, the ROC lost its ally needed to "recover the mainland." Meanwhile, the PRC's desire to be accepted in the international community led it to promote peaceful unification under what would later be termed "one country, two systems", rather than to "liberate Taiwan" and to make Taiwan a Special Administrative Region.

### PRC's condition on military intervention

Notwithstanding, the PRC government has issued triggers for an immediate war with Taiwan, most notably via its controversial Anti-Secession Law of 2005. These conditions are:

- if events occur leading to the "*separation*" of Taiwan from China *in any name*, or
- if a major event occurs which would lead to Taiwan's "*separation*" from China, or
- if all possibility of peaceful unification is lost.

It has been interpreted that these criteria encompass the scenario of Taiwan developing nuclear weapons (*see main article* Taiwan and weapons of mass destruction also Timeline of the Republic of China's nuclear program).

Much saber-rattling by the PRC has been done over this, with Jiang Zemin, after assuming the mantle of the Chairman of the Central Military Commission, becoming a leading voice.

The third condition has especially caused a stir in Taiwan as the term "indefinitely" is open to interpretation. It has also been viewed by some as meaning that preserving the ambiguous status quo is not acceptable to the PRC, although the PRC stated on many occasions that there is no explicit timetable for reunification.

Concern over a formal declaration of *de jure* Taiwan independence is a strong impetus for the military buildup between Taiwan and mainland China. The former US Bush administration publicly declared that given the status quo, it would not aid Taiwan if it were to declare independence unilaterally.<sup>[78]</sup>

According the US Department of Defense report "Military and Security Developments Involving the People's Republic of China 2011" conditions that mainland China has warned may cause the use of force have varied. They have included "a formal declaration of Taiwan independence; undefined moves "toward independence"; foreign intervention in Taiwan's internal affairs; indefinite delays in the resumption of cross-Straits dialogue on unification; Taiwan's acquisition of nuclear weapons; and, internal unrest on Taiwan. Article 8 of the March 2005 "Anti-Secession Law" states Beijing would resort to "non-peaceful means" if "secessionist forces . . . cause the fact of Taiwan's secession from China," if "major incidents entailing Taiwan's secession" occur, or if "possibilities for peaceful reunification" are exhausted".<sup>[79]</sup>

According to President Chen Shui-bian who was President of the Republic of China between 2000 and 2008, China accelerated the deployment of missiles against Taiwan up to 120 a year (May 2007), bringing the total arsenal to 706 ballistic missiles capable of being fitted with nuclear warheads that are aimed at Taiwan. Some believe that their deployment is a political tool on the part of the PRC to increase political pressure on Taiwan to abandon unilateral moves toward formal independence, at least for the time being, although the PRC government never declares such deployment publicly.. Legislative elections were held in Taiwan on January 12, 2008. The results gave the Kuomintang and the Pan-Blue Coalition a supermajority (86 of the 113 seats) in the legislature, handing a heavy defeat to President Chen Shui-bian's Democratic Progressive Party, which won the remaining 27 seats only. The junior partner in the Pan-Green Coalition, the Taiwan Solidarity Union, won no seats. The election for the 12th-term President and Vice-President of the Republic of China was held in the Republic of China (Taiwan) on Saturday, March 22, 2008. Kuomintang nominee Ma Ying-jeou won, with 58% of the vote, ending eight years of Democratic Progressive Party (DPP) presidential power. Along with the 2008 legislative election, Ma's landslide victory brought the Kuomintang back to power in Taiwan.

## Balance of power

The possibility of war, the close geographical proximity of ROC-controlled Taiwan and PRC-controlled mainland China, and the resulting flare-ups that occur every few years, conspire to make this one of the most watched focal points in the Pacific. Both sides have chosen to have a strong naval presence. However, naval strategies between both powers greatly shifted in the 1980s and 1990s, while the ROC assumed a more defensive attitude by building and buying frigates and missile destroyers, and the PRC a more aggressive posture by developing long-range cruise missiles and supersonic surface-to-surface missiles.



Although the People's Liberation Army Air Force is considered large, most of its fleet consists of older generation J-7 fighters (localized MiG-21s and Mig-21Bl), raising doubts over the PLAAF's ability to control Taiwan's airspace in the event of a conflict. Since mid-1990s PRC has been purchasing, and later localizing, SU-27 based fighters. These Russian fighters, as well as their Chinese J11A variants, are currently over 170 in number, and have increased the effectiveness of PLAAF's Beyond Visual Range (BVR) capabilities. The introduction of 60 new-generation J10A fighters is anticipated to increase the PLAAF's firepower. PRC's acquisition of Russian Su30MKKs further enhanced the PLAAF's air-to-ground support ability. The ROC's air force, on the other hand, relies on Taiwan's second generation fighters, consisting of 150 US-built F-16 Fighting Falcons, approximately 60 French-built Mirage 2000-5s, and approximately 130 locally developed IDFs (Indigenous Defense Fighters). All of these ROC fighter jets are able to conduct BVR combat missions with BVR missiles, but the level of technology in mainland Chinese fighters is catching up. Also the United States Defense Intelligence Agency has reported that few of Taiwan's 400 total fighters are operationally capable.<sup>[80][81]</sup>

In 2003, the ROC purchased four missile destroyers—the former USS *Kidd* class, and expressed a strong interest in the *Arleigh Burke* class. But with the growth of the PRC navy and air force, some doubt that the ROC could withstand a determined invasion attempt from mainland China in the future. These concerns have led to a view in certain quarters that Taiwanese independence, if it is to be implemented, should be attempted as early as possible, while the ROC still has the capacity to defend itself in an all-out military conflict. Over the past three decades, estimates of how long the ROC can withstand a full-scale invasion from across the Strait without any outside help have decreased from three months to only six days.<sup>[82]</sup> Given such estimates, the US Navy has continued practicing "surging" its carrier groups, giving it the experience necessary to respond quickly to an attack on Taiwan.<sup>[83]</sup> The US also collects data on the PRC's military deployments, through the use of spy satellites, for example. For early surveillance may effectively identify PRC's massive military movement, which may imply PRC's preparation for a military assault against Taiwan.

However, numerous reports issued by the PRC, ROC and US militaries make mutually wild contradictory statements about the possible defense of Taiwan.

Naturally, war contingencies are not being planned in a vacuum. In 1979, the United States Congress passed the Taiwan Relations Act, a law generally interpreted as mandating U.S. defense of Taiwan in the event of an attack from the Chinese Mainland (the Act is applied to Taiwan and Penghu, but not to Jinmen or Matsu). The United States maintains the world's largest permanent fleet in the Pacific Region near Taiwan. The Seventh Fleet, operating primarily out of various bases in Japan, is a powerful naval contingent built upon the world's only permanently forward-deployed aircraft carrier USS George Washington. Although the stated purpose of the fleet is not Taiwanese defense, it can be safely assumed from past actions, that is one of the reasons why the fleet is stationed in those waters.

Starting in 2000, Japan renewed its defense obligations with the US and embarked on a rearmament program, partly in response to fears that Taiwan might be invaded. Some analysts believed that the PRC could launch preemptive strikes on military bases in Japan to deter US and Japanese forces from coming to the ROC's aid. Japanese strategic planners also see an independent Taiwan as vital, not only because the ROC controls valuable shipping routes, but also because its capture by PRC would make Japan more vulnerable. During World War II, the US invaded the Philippines, but another viable target to enable direct attacks on Japan would have been Taiwan (then known as Formosa). However, critics of the preemptive strike theory assert that the PRC would be loath to give Japan and the US such an excuse to intervene.

The United States Department of Defense in a 2011 report stated that the primary mission of the PRC military is a possible military conflict with Taiwan, including also possible US military assistance. Although the risk of a crisis in the short-term is low, in the absence of new political developments, Taiwan will likely dominate future military modernization and planning. However, also other priorities are becoming increasingly prominent and possible due to increasing military resources. Many of mainland China's most advanced military systems are stationed in areas opposite Taiwan. The rapid military modernization is continually changing the military balance of power towards mainland China.<sup>[84]</sup>

A 2008 report by the RAND Corporation analyzing a theoretical 2020 attack by mainland China on Taiwan suggested that the US would likely not be able to defend Taiwan. Cruise missile developments may enable China to partially or completely destroy or make inoperative US aircraft carriers and bases in the Western Pacific. New Chinese radars will likely be able to detect US stealth aircraft and China is acquiring stealthy and more effective aircraft. The reliability of US beyond-visual-range missiles as a mean to achieve air superiority is questionable and largely unproven.<sup>[85]</sup>

### Third Taiwan Strait Crisis

In 1996, the PRC began conducting military exercises near Taiwan, and launched several ballistic missiles over the island. The saber-rattling was done in response to the possible re-election of then President Lee Teng-hui. The United States, under President Clinton, sent two aircraft carrier battle groups to the region, sailing them into the Taiwan Strait. The PRC, unable to track the ships' movements, and probably unwilling to escalate the conflict, quickly backed down. The event had little impact on the outcome of the election, since none of Lee's contestants were strong enough to defeat him, but it is widely believed that the PRC's aggressive acts, far from intimidating the Taiwanese population, gave Lee a boost that pushed his share of votes over 50 percent.



ROCS *Kang Ding*-class frigate with S-70C helicopter

The possibility of war in the Taiwan Straits, even though quite low in the short-term, requires the PRC, ROC, and U.S. to remain wary and vigilant. The goal of the three parties at the moment seems to be, for the most part, to maintain the status quo.

## Developments since 2004 and future prospects

### Judicial

On 24 October 2006, Dr. Roger C. S. Lin led a group of Taiwanese residents, including members of the Taiwan Nation Party, to file a Complaint for Declaratory Relief in the United States District Court for the District of Columbia. According to their lawyer, Mr. Charles Camp, "the Complaint asks the Court to declare whether the Taiwanese plaintiffs, including members of the Taiwan Nation Party, have certain rights under the United States Constitution and other US laws".<sup>[86]</sup> Their central argument is that, following Japanese renunciation of all rights and



claims to Taiwan, Taiwan came under U.S. jurisdiction based on it being the principal occupying power as designated in the Treaty of Peace with Japan and remains so to this day. This case was opposed by the United States government.

The District Court agreed with United States government on 18 March 2008 and ruled that the case presents a political question; as such, the court concluded that it had no jurisdiction to hear the matter and dismissed the complaint.<sup>[87]</sup> This decision has been appealed by plaintiffs<sup>[88]</sup> and the appeals court unanimously upheld the district court ruling.<sup>[89]</sup>

The PRC and Taiwan have agreed to increase cooperation in the area of law enforcement. Mainland police will begin staffing a liaison office in Taipei in 2010.<sup>[90]</sup>

## Political

Although the situation is confusing, most observers believe that it is stable with enough understandings and gentlemen's agreements to keep things from breaking out into open warfare. The current controversy is over the term *one China*, as the PRC insists that the ROC must recognize this term to begin negotiations. Although the Democratic Progressive Party has moderated its support for Taiwan independence, there is still insufficient support within that party for former President Chen Shui-bian to agree to one China. By contrast, the Kuomintang (KMT) and the People First Party (PFP) appear willing to agree to some variation of one China, and observers believed the position of the PRC was designed to sideline Chen until the 2004 presidential election where it was hoped that someone who was more supportive of Chinese reunification would come to power. Partly to counter this, Chen Shui-bian announced in July 2002 that if the PRC does not respond to Taiwan's goodwill, Taiwan may "go on its own ... road."



Ethno-linguistic based administrative division map of China

With Chen's re-election in 2004, Beijing's prospects for a speedier resolution were dampened, though they seemed strengthened again following the Pan-Blue majority in the 2004 legislative elections. However, public opinion in Taiwan reacted unfavorably towards the anti-secession law passed by the PRC in March 2005. Following two high profile visits by KMT and PFP party leaders to the PRC, the balance of public opinion appears to be ambiguous, with the Pan-Green Coalition gaining a majority in the 2005 National Assembly elections, but the Pan-Blue Coalition scoring a landslide victory in the 2005 municipal elections.

Legislative elections were held in Taiwan on January 12, 2008. The results gave the Kuomintang and the Pan-Blue Coalition an absolute majority (86 of the 113 seats) in the legislature, handing a heavy defeat to President Chen Shui-bian's Democratic Progressive Party, which won the remaining 27 seats. The junior partner in the Pan-Green Coalition, the Taiwan Solidarity Union, won no seats.

The election for the 12th President of ROC was held on March 22, 2008. Kuomintang candidate Ma Ying-jeou won, with 58% of the vote, ending eight years of Democratic Progressive Party (DPP) leadership. Along with the 2008 legislative election, Ma's landslide victory brought the Kuomintang back to power in Taiwan. This new political situation has led to a decrease of tension between both sides of the Taiwan Strait and the increase of cross-strait relations, making a declaration of independence, or war, something unlikely.

Taiwan's Straits Exchange Foundation (SEF) and its Chinese counterpart – the Association for Relations Across the Taiwan Strait (ARATS) signed four agreements in Taipei on 4 November 2008. Both SEF and ARATS have agreed to address direct sea links, daily charter flights, direct postal service and food safety.<sup>[91]</sup>

## Public opinion

Public opinion in Taiwan regarding relations with the PRC is notoriously difficult to gauge, as poll results tend to be extremely sensitive to how the questions are phrased and what options are given, and there is a tendency by all political parties to spin the results to support their point of view.

According to a November 2005 poll from the Mainland Affairs Council, 37.7% of people living in the ROC favor maintaining the status quo until a decision can be made in the future, 18.4% favors maintaining the status quo indefinitely, 14% favors maintaining the status quo until eventual independence, 12% favors maintaining the status quo until eventual reunification, 10.3% favors independence as soon as possible, and 2.1% favors reunification as soon as possible. According to the same poll, 78.3% are opposed to the "One Country, Two Systems" model, which was used for Hong Kong and Macau, while 10.4% is in favor.<sup>[92]</sup>

According to a June 2008 poll from a Taiwanese mainstream media TVBS, 58% of people living in Taiwan favor maintaining the status quo, 19% favors independence, and 8% favors unification. According to the same poll, if status quo is not an option and the ones who were surveyed must choose between "Independence" or "Unification", 65% are in favor of independence while 19% would opt for unification. The same poll also reveals that, in terms of self-identity, when the respondents are not told that a Taiwanese can also be a Chinese, 68% of the respondents identify themselves as "Taiwanese" while 18% would call themselves "Chinese". However, when the respondents are told that duo identity is an option, 45% of the respondents identify themselves as "Taiwanese only", 4% of the respondents call themselves "Chinese only" while 45% of the respondents call themselves "both Taiwanese as well as Chinese". Furthermore, when it comes to preference in which national identity to be used in international organizations, 54% of people in the survey indicated that they prefer "Taiwan" and only 25% of the people voted for "Chinese Taipei".<sup>[93]</sup>

According to an October 2008 poll from the Mainland Affairs Council, on the question of Taiwan's status, 36.17% of respondents favor maintaining the status quo until a decision can be made in the future, 25.53% favors maintaining the status quo indefinitely, 12.49% favors maintaining the status quo until eventual independence, 4.44% favors maintaining the status quo until eventual reunification, 14.80% favors independence as soon as possible, and 1.76% favors reunification as soon as possible. In the same poll, on the question of the PRC government's attitude towards the ROC government, 64.85% of the respondents consider the PRC government hostile or very hostile, 24.89 consider the PRC government friendly or very friendly, while 10.27% did not express an opinion. On the question of the PRC government's attitude towards the people in Taiwan, 45.98% of the respondents consider the PRC government hostile or very hostile, 39.6% consider the PRC government friendly or very friendly, while 14.43% did not express an opinion.<sup>[94]</sup>

May 2009 Taiwan's (Republic of China) Department of the Interior published a survey examining whether people in Taiwan see themselves as Taiwanese, Chinese or both. 64.6% see themselves as Taiwanese, 11.5% as Chinese, 18.1% as both and 5.8% were unsure.<sup>[95]</sup>

According to a December 2009 poll from a Taiwanese mainstream media TVBS, if status quo is not an option and the ones who were surveyed must choose between "Independence" or "Unification", 68% are in favor of independence while 13% would opt for unification.<sup>[96]</sup>



As of March 2012, a poll by the Global Views Monthly indicated that support for Taiwanese independence has risen. According to the survey 28.2 percent of respondents indicated that they support a formal declaration for Taiwan independence, a rise of 3.7 percent compared to a similar poll conducted earlier in 2012. Asked whether Taiwan would eventually declare itself a new and independent nation, 49.1 percent replied yes while 38 percent responded negatively, the Global Views Monthly said. Only 22.9 percent agreed that Taiwan should eventually unify with China, while 63.5 percent disagreed.

A June 2013 poll conducted by DPP showed an overwhelming 77.6% consider themselves as Taiwanese.<sup>[97]</sup>

A)On the independence-unification issue, the survey found that 25.9 percent said they support unification, 59 percent support independence and 10.3 percent prefer the "status quo." B)When asked whether Taiwan and China are parts of one country, the party said the survey found 78.4 percent disagree, while 15 percent agreed. C)As for whether Taiwan and China are two districts in one country, 70.6 percent disagree, while 22.8 percent agree, the survey showed. D)When asked which among four descriptions — "one country on each side," "a special state-to-state relationship," "one country, two areas," and "two sides are of one country" — they find the most acceptable, 54.9 percent said "one country on each side," 25.3 percent chose "a special state-to-state relationship," 9.8 percent said "one country, two areas" and 2.5 percent favor "two sides are of one country," the survey showed.

## Changing Taiwan's status with respect to the ROC constitution

From the perspective of the ROC constitution, which the mainstream political parties such as the KMT and DPP currently respect and recognize, changing the ROC's governing status or completely clarifying Taiwan's political status would at best require amending the ROC constitution. In other words, if reunification supporters wanted to reunify Taiwan with mainland China in such a way that would effectively abolish the ROC or affect the ROC's sovereignty, or if independence supporters wanted to abolish the ROC and establish a Republic of Taiwan, they would also need to amend or abolish the ROC constitution and redraft a new constitution. Passing an amendment requires an unusually broad political consensus, which includes approval from three-quarters of a quorum of members of the Legislative Yuan. This quorum requires at least three-quarters of all members of the Legislature. After passing the legislature, the amendments need ratification from at least fifty percent of all eligible voters of the ROC, *irrespective* of voter turnout.

Given these harsh constitutional requirements, neither the pan-greens nor pan-blues can unilaterally change Taiwan's political and legal status with respect to the ROC's constitution. However, extreme Taiwan independence supporters view the ROC's constitution as illegal and therefore believe that amendments to the ROC constitution are an invalid way to change Taiwan's political status.

## Note on terminology

### Political status vs. Taiwan issue

Some scholarly sources as well as political entities like the PRC refer to Taiwan's controversial status as the "Taiwan question", "Taiwan issue", or "Taiwan problem". The ROC government does not like these terminologies, emphasizing that it should be called the "Mainland issue" or "Mainland question", because from the ROC's point of view, the PRC is making an issue out of or creating a problem out of Taiwan. Others use the term "Taiwan Strait Question" because it implies nothing about sovereignty and because "Cross-Strait relations" is a term used by both the ROC and the PRC to describe their interactions. However, this term is also objectionable to some because it still implies that there is an issue, which they feel is created only by the PRC.

## De facto vs. de jure and whether ROC ceased to exist

The use of the terms *de facto* and *de jure* to describe Taiwan's as well as the Republic of China's status as a state is itself a contentious issue. This partially stems from the lack of precedents regarding derecognized, but still constitutionally functioning states. For instance, it is regularly argued that Taiwan satisfies the requirements of statehood at international law as stated in the Montevideo Convention. At the same time, there is continued debate on whether UN membership or recognition as a state by the UN is a decisive feature of statehood (since it represents broad recognition by the international community); the debate arises because non-state entities can often satisfy the Montevideo Convention factors, while the list of states recognised by the UN, for the most part, correlate well with entities recognised as states by customary international law. If the latter argument is accepted, then the Republic of China may have ceased to be a state post-1971 as a matter of international law ("*de jure*"), yet continued to otherwise function as the state that it previously was recognised as ("*de facto*").

From the 1990s onwards, media wire services sometimes describe Taiwan as having *de facto* independence, whereas the Republic of China has always considered itself as a continuously functioning *de jure* state.

## See also

- History of Taiwan
- History of Taiwan under Japanese rule
- History of Republic of China
- Chinese Civil War
- 228 Incident, for historical context of ROC-Taiwanese conflict
- Four-stage Theory of the Republic of China
- Taiwan Province
- Claimed Taiwan Province of the People's Republic of China
- Taiwan independence
- Chinese reunification
- Anti-Secession Law of the People's Republic of China
- Military Power of the People's Republic of China
- Republic of China and weapons of mass destruction
- People's Republic of China and weapons of mass destruction
- Cross-Strait relations
- Mainland Affairs Council of the ROC
- Taiwan Affairs Office of the PRC
- Foreign relations of Taiwan
- Taiwan in United Nations
- Taiwan Relations Act
- Three Communiqués
- 51st state#Taiwan



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# European Commission

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- [The euro](#)
- [Policy and surveillance](#)
- [Databases and indicators](#)
- [Publications](#)
- [News and Events](#)

## The euro

The euro is the single currency shared by (currently) 18 of the European Union's Member States, which together make up the euro area. The introduction of the euro in 1999 was a major step in European integration. It has also been one of its major successes: more than 333 million EU citizens now use it as their currency and enjoy its benefits, which will spread even more widely as other EU countries adopt the euro.

The euro is the single currency shared by (currently) 18 of the European Union's Member States, which together make up the euro area. The introduction of the euro in 1999 was a major step in European integration: more than 333 million EU citizens now use it as their currency.

When the euro was launched on 1 January 1999, it became the new official currency of 11 Member States, replacing the old national currencies – such as the Deutschmark and the French franc – in two stages. First the euro was introduced as an accounting currency for cash-less payments and accounting purposes, while the old currencies continued to be used for cash payments. Since 1 January 2002 the euro has been circulating in physical form, as banknotes and coins. The euro is not the currency of all EU Member States. Two countries (Denmark and the United Kingdom) have 'opt-out' clauses in the Treaty exempting them from participation, while the remainder (several of the more recently acceded EU members plus Sweden) have yet to meet the conditions for adopting the single currency.

## Which countries have adopted the euro - and when?

1999	Belgium, Germany, Ireland, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal and Finland
2001	Greece
2002	Introduction of euro banknotes and coins
2007	Slovenia
2008	Cyprus, Malta
2009	Slovakia
2011	Estonia
2014	Latvia

## The euro and Economic and Monetary Union

All EU Member States form part of Economic and Monetary Union (EMU), which can be described as an

advanced stage of economic integration based on a single market. It involves close co-ordination of economic and fiscal policies and, for those countries fulfilling certain conditions, a single monetary policy and a single currency – the euro. The process of economic and monetary integration in the EU parallels the history of the Union itself. When the EU was founded in 1957, the Member States concentrated on building a 'common market'. However, over time it became clear that closer economic and monetary co-operation was desirable for the internal market to develop and flourish further. But the goal of achieving the EMU including a single currency was not enshrined until the 1992 Maastricht Treaty (Treaty on European Union), which set out the ground rules for its introduction. These state what the objectives of EMU are, who is responsible for what, and what conditions Member States must meet in order to adopt the euro. These conditions are known as the 'convergence criteria' (or 'Maastricht criteria') and include low and stable inflation, exchange rate stability and sound public finances.

## Who manages it?

With the launch of the euro monetary policy became the responsibility of the independent European Central Bank (ECB), which was created for that purpose, and the national central banks of the Member States having adopted the euro. Together they compose the Eurosystem. Fiscal policy (public revenue and expenditure) remains in the hands of individual national authorities – although they undertake to adhere to commonly agreed rules on public finances known as the Stability and Growth Pact. Member States also retain overall responsibility for their structural policies (i.e. labour markets, pension and capital markets), but agree to co-ordinate them in order to achieve the common economic goals.

## Who uses it?

The euro is the currency of the 333 million people who live in the 18 euro area countries. It is also used, either formally as legal tender or for practical purposes, by other countries such as close neighbours and former colonies. It is therefore not surprising that the euro has rapidly become the second most important international currency after the dollar.

## Why do we need it?

Apart from making travelling easier within the EU, a single currency makes **economic** and **political** sense. The framework under which the euro is managed underpins its stability, contributes to low inflation and encourages sound public finances. A single currency is also a logical complement to the single market and contributes to making it more efficient. Using a common currency increases price transparency, eliminates currency exchange costs, facilitates international trade and gives the EU a more powerful voice in the world. The size and strength of the euro area also better protect it from external economic shocks, such as unexpected oil price rises or turbulence in the currency markets. Last but not least, the euro gives the EU's citizens a tangible symbol of their European identity.

Against the background of the current debt crisis important measures to improve the economic governance in the EU and the euro area in particular have been taken. EU Member States have strengthened the Stability and Growth Pact, introduced a new mechanism to prevent or correct macroeconomic imbalances and are increasingly coordinating structural policies. These are crucial steps to strengthen the "E" - the economic leg - of the EMU and to ensure the success of the euro in the long run.



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INDUSTRY REPORT

## Taiwanese Pneumatic Tool Suppliers See Brighter Prospects in 2014

*Sector expects boost from new product launches and recovering export demand*



2014/01/22

By STEVE CHUANG

Pneumatic tools—a category covering air-powered hammers, impact wrenches, spray guns, socket wrenches, grinders, sanders and screwdrivers—account for a major part of Taiwan's power tool production. Local products in this segment have also established a strong presence in the global market over the past decade due to their reputation for quality and competitive pricing, particularly among end-users in the U.S. and Europe.

According to statistics compiled by the Metal Industry Research & Development Centre (MIRDC), a government-funded research institute in Taiwan, the power tool sector in Taiwan peaked in 2011 with an output value of NT\$37.1 billion (about US\$1.233 billion), including NT\$21.3 billion (US\$710 million) in exports.

With the shaky global economy in 2012, output in the sector retreated slightly to NT\$36.9 billion (US\$1.230 billion), while exports inched up to NT\$21.4 billion (US\$713.3 million). MIRDC noted that the U.S., China, Japan, Germany and Belgium respectively absorbed 37.4%, 10.3%, 8.2%, 3.7% and 3.4% of Taiwan's total power-tool exports in 2012 as the top five buyers.

Growth in Taiwan's pneumatic tool sector is expected to have remained flat in 2013 as persistent economic weakness depressed demand. But a sustained recovery of the U.S. economy and gradual reduction of debt in the EU have made local suppliers generally optimistic about the outlook for 2014, and most of them are set to launch new products catering to increasingly fussy consumers and professional end-users worldwide.

### Powagrip

Among the optimists for the year ahead is Bell Huang, president of Powagrip Industrial Co., Ltd., which supplies pneumatic tools under the ACT brand in over 15 countries. His optimism comes on the back of Powagrip's solid revenue growth last year.

"ACT is a registered tool brand in the U.S., Mexico, Columbia, Brazil, Japan, Germany, and Southeast Asian countries," said Huang. "Products under the brand boosted our revenue last year despite persistently market weakness in the U.S. and Europe, which together contribute 30% to our annual revenue." Huang said that the company's brand sales in 2013 grew particularly strongly in Central and South America and Southeast Asia.

Asked what strategies Powagrip followed to develop its ACT brand in Central and South America—a market that most Taiwanese tool suppliers have had difficulty tapping due to rivalry from cheaper Chinese competitors, Huang said that a key has been to partner with local agents that have exclusive distributor rights for globally known brands from the U.S. and Germany. A dual emphasis on quality and fast delivery, enabled by maintaining logistics centers near end markets, has also helped. "This strategy has set us apart from cheaper rivals and helped us to grow quickly in those markets," he said.

Business opportunities in Southeast Asia further underpin Huang's confidence in a good year ahead for its ACT brand. The president reported that his company recently signed contracts with new customers in Indonesia last year and is now poised to launch a new tool set mainly for auto and motor repair. The new tool set includes pneumatic and hand tools and related accessories aimed at professional end-users and packaged in a premium wooden box to add value.



MGD000374



Pow agrip also supplies ACT-branded hand tool sets.

Huang is aware that the huge growth potential of Indonesia's auto and motor maintenance service sector has attracted a flock of foreign competitors. "We are confident that our ACT products will stand out in the market through a combination of pneumatic and hand tools, which is rarely seen there. Our products also bring together quality tools from Taiwan in a gripping package."

Huang's company has also cultivated operations in the Association of Southeast Asian Nations (ASEAN) area over the past years and is now reaping the fruit. Huang said that Vietnamese customers that shifted orders to cheaper Chinese suppliers have been returning in force to ACT-branded tools. Powagrip has also finalized a new distributorship contract with a partner in China, positioning the company to increase China's share of Powagrip's total sales to 10-15% in 2014, up from 1-2% in 2013.

In the ASEAN area, Huang said that his company is in talks with a Singaporean company over cooperation on joint manufacturing of tools for sale in the free-trade bloc. The partnership will secure ACT's sustainable development in the ASEAN market by side-stepping the 15-20% duties typically levied on tools imported from Taiwan. Under the partnership, Powagrip will export semi-finished tools to Singapore for assembly and re-export throughout ASEAN on a more equal footing with local rivals.

Huang also aims to build growth momentum by participating in more international trade fairs, as well as by strengthening relationships with existing customers, including through joint development of new products, this year.

#### **Success in the Details**

After years of development, ACT is today one of the best-known Taiwanese brands of power and hand tools in Southeast Asia. This success has been built largely on Powagrip's attention to manufacturing details.

This attention is evident in Powagrip's choice of different materials for various tool types to optimize product durability, hardness and life span. For instance, the company uses S2 steel for screwdrivers, chrome-molybdenum steel for air sockets, chrome-vanadium steel for ordinary sockets, and nickel chromium molybdenum alloy steel for air screwdrivers and bits.

ACT tools are also made with advanced CNC equipment using strict numerical controls to achieve high dimensional precision and quality. Huang noted that for precise concentricity and great utility, all of his company's air tools are manufactured this way. Items are also inspected throughout the full production cycle, from forging, cutting and polishing to heat treatment and surface finishing.



Pow agrip markets its air tools worldwide under the ACT brand.

"ACT competes globally on integrity, quality and delivery," said Huang. "An attention to every manufacturing detail has further made this a reliable, top-end brand." In addition to its original brand manufacturing (OBM) business, Powagrip accepts original equipment manufacturing (OEM) and original design manufacturing (ODM) orders.



After a tepid year in 2013, Leo Lin, manager of Gison Machinery Co., Ltd., an ISO-9002-certified air tool manufacturer in Taichung, central Taiwan, expressed optimism about the outlook for 2014. His company plans to launch several new products in the year ahead to tap the economic recovery in the U.S. and Europe: the source of over 70% of Gison's revenue.

Gison's product lineup covers a full spectrum of pneumatic tools, from wrenches, grinders, sanders, polishers, hammers, needle scalers, drills, screwdrivers, hydraulic riveters and staplers to related accessories, such as air couplers, swivel coupler plugs and joints, oilers, air regulators, chucks, gauges, PU recoil hoses, hose reels and spring balancers. "We started out by contract manufacturing air tool parts and accessories, and then gradually ventured into developing, making and marketing air tools," noted Lin. "Today, Gison exports products to over 40 different countries, mostly under its own brand."

Lin said that Gison is particularly strong at making air tools for stone processing: a niche segment where its brand has been well recognized by professional end-users worldwide. With U.S. housing starts and manufacturing activity steadily increasing and Europe's debt crisis on the mend, Lin is optimistic that demand for such tools will grow in 2014. He also expects another growth engine in China: a market that the company tapped last year and plans to further develop in the year ahead.

#### **New Products**

Gison's strategy for growth in 2014 includes heavy promotion of new products, focusing on their superior performance, energy-saving qualities and improved functionality.

Among these upcoming products is the GPW-M1 Sink Oval Hole Cutter/Router for washbasins. Lin noted that this tool has a compact, space-saving design and can reduce the time needed to make an oval cut through a stone slab by making it easy to set the A/B axes and without any auxiliary tools. The improvement is enabled by a patented mechanical design inside the cutter control unit.

The tool can also be fitted with different types of diamond bits to handle hole drilling, cutting, grinding, sanding and polishing. Its unique torque sensor mechanism reduces the chance of profiling and cutting failures.



The GPW-M1 Sink Oval Hole Cutter/Router for washbasins is patented in both the U.S. and Taiwan.

Another potential hot-seller is the Air Random Orbital Sander: a winner of the Taiwan Excellence Awards. In addition to an impressive multi-toned exterior, the sander features several innovative, patented functional designs, Lin said. These include a safety lever coupled with a pad lock designed for convenient thumb operation by right-handed users, a fully dust-protective shroud, and shroud bearing with an improved oil seal that helps to prevent oil leakage and prolong tool life. A 75-hour test under 1.5kgf pressure verified that the tool is more durable than conventional models.





Gison's Air Random Orbital Sander features greater safety, longer life and protection against fine dust.

"Over the past year, Gison has consistently worked on improving not only air tools, but also key components, such as motors, to increase torque force, reduce noise and air consumption, and deliver higher performance for more value," Lin stressed. "Those have given our company a solid base to expand into the auto repair and maintenance application markets."

#### Years Way

Shrugging off a weak 2013, James Wang, general manager of Years Way International Co., Ltd., a time-tested supplier of power and hand tools with over 30 years of experience, expects his company to rally in 2014 with the debut of its improved Air Angle Head Impact Wrench. The company also plans to unveil a new series of socket wrench sets at the 2014 International Hardware Fair Cologne on March 9-12 in Germany.

Wang noted that market worries over the tapering of quantitative easing in the U.S. in the second half of 2013 strengthened the U.S. dollar against emerging country. He said that this prompted his company's customers to delay shipments to the later part end of the year, causing revenue to drop.

With global economic prospects brightening, Wang is conservatively optimistic about 2014. "Our overseas markets, including Russia, are generally showing a positive signs of recovery. That has motivated us to launch several new socket wrench sets along with the Air Angle Head Impact Wrench at this year's International Hardware Fair Cologne."

Among the products to be launched, the universal joint socket adapter set provides a full size range to serve a spectrum of applications. The adapters are all made of S2 steel to improve durability.



Years Way's universal joint socket adapter set provides a full size range to serve wide-ranging applications.

The ratchet socket wrench has an innovative dual-head design. One head can rotate 360% and the other can tilt 180 degrees. Wang said that the design makes the tool ideal for use in engine compartments and other narrow spaces. The set can also be used with a wide range of socket sizes.

Years Way will also showcase a box-end ratchet wrench set. The set has one mouth with 75-degree slant to increase torque force with less applied force. The ratcheting end can hold all of the sockets and bit sockets from the abovementioned sets. "All these new sets will include adapters to make the sockets interchangeable with each others, helping end-users to cut costs," said Wang.



Years Way will show case its wrench and socket sets at the International Hardware Cologne 2014 (booths H3.2 G059 and G507).





Wang noted that, while Years Way has focused on air tools since the 1990s, it began as a hand tool maker and has extensive expertise in this sector. "Socket wrench sets form a part of our growth reviving strategy this year," he said. "We believe that with a wider product range we can boost profits in cooperation with our customers."

Years Way is Taiwan's first hand tool supplier to be certified by the Article Numbering Center of R.O.C. and introduce the 4719847 Barcode System. Its product line is centered on pneumatic tools, including air spray guns, impact wrenches, air sockets, air ratchet wrenches, air tackers, air staple guns, air nailing tools, pneumatic grinders, pneumatic buffers, and pneumatic stripping tools. All of its products have been tested for CE and national standards worldwide. In addition to selling under its Yearsway brand, the company provides OEM and ODM services.

Taiwan Power Tool Production by Year						
Year	2007	2008	2009	2010	2011	2012
Output Value	NT\$35.4 Bn.	NT\$35.7 Bn.	NT\$26.4 Bn.	NT\$35.0 Bn.	NT\$37.1 Bn.	NT\$36.9 Bn.
Imports	NT\$3.5 Bn.	NT\$3.8 Bn.	NT\$2.2 Bn.	NT\$3.4 Bn.	NT\$4.1 Bn.	NT\$4.3 Bn.
Exports	NT\$22.8 Bn.	NT\$20.0 Bn.	NT\$13.9 Bn.	NT\$19.5 Bn.	NT\$21.3 Bn.	NT\$21.4 Bn.

Source: Metal Industries Research & Development Centre

Top 10 Buyers of Taiwan's Power Tools in 2012 by Export Value			
Ranking	Country	Export Value	Proportion to Total
1	The U.S.	NT\$8.03 Bn.	37.4%
2	China	NT\$2.22 Bn.	10.3%
3	Japan	NT\$1.75 Bn.	8.2%
4	Germany	NT\$790 M.	3.7%
5	Belgium	NT\$730 M.	3.4%
6	Hong Kong	NT\$540 M.	2.5%
7	Thailand	NT\$450 M.	2.1%
8	Australia	NT\$3.8 M.	1.8%
9	Canada	NT\$3.2 M.	1.5%
10	The Netherlands	NT\$3.1 M.	1.4%
Sum		NT\$15.52 Bn.	72.4%
2012's Total		NT\$21.44 Bn.	100.0%

Source: Metal Industries Research & Development Centre

(by Steve Chuang)



MGD000552





MGD000553

Taiwan

MGD000554





MGD000555

MGD000403



MG DISTRIBUTOR &lt;mgdistributor@gmail.com&gt;

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## Euro Spray Equipment

1 message

Sat, Sep 28, 2013 at 10:03 AM

[REDACTED]  
To: "mgdistributor@gmail.com" <mgdistributor@gmail.com>

We received your information in the mail on your Euro spray guns. It appears to be a good mid price spray gun. And we like the fact that it resembles the SATA guns. Please contact me at at your convenience to discuss our company becoming a distributor for your guns.

Thank you

[REDACTED]



MGD000395



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## Contact Form

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**Customer Support** <mgdistributor@gmail.com>

Wed, Sep 28, 2011 at 12:01 AM

To: mgdistributor &lt;mgdistributor@gmail.com&gt;

[REDACTED]

Comment: just wanting to give you some info on how my euro 2214 hvlp gun works. i work for a major auto company in kentucky iam one of there repair painters ive sprayed over 5000 trucks or suv ive used every kind of brand name gun you can think of my work will buy us what ever guns we want sata, devilbiss, iwata, sharpe, binks, 3m and ive used every one of thim so i thought i would take my euro to work and give it a try i have to say it sprays as good or better than my 500/ 700 dollar guns thanks alot, robert

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## Paint Sprayer Comparison - Spray Gun Shootout

By John McGann, Photography by John McGann

Car Craft, May 16, 2011 Recommend 12 Tweet 0 1 Pin it



A press release from Summit Racing sparked the idea for this article. We ran the release in our Feb. '11 issue with the headline, A Spray Gun for \$32.95? After we asked the Summit guys if it was a typo, we began thinking about why some guns cost \$32 (or less at some warehouse stores) while others cost more than \$800? And which price point is the best for the enthusiast who may paint a couple of cars a year? We hope to answer those questions here.

### The Scene

We phoned Kenny Maisano, owner of Mascar Autobody & Paint in Costa Mesa, California, to see if he'd help us throw a spray gun party. We'd provide the consumer-level guns, he'd provide a couple of examples from Sata, along with something to spray, and reps from Iwata would bring their latest and greatest. Maybe he reads our email, because when we arrived, he had a '69 Camaro in his booth prepped and ready for paint. The Camaro Craft hate mail can continue for yet another month. Believe it or not, the Camaro was in for a mundane insurance repair rather than a high-end restoration. The timing just worked out well for us.

### Top Shelf

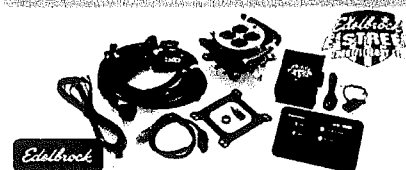
Price Range: \$500 and up

SATAjet 4000

Iwata Supremova

As the crème de la crème of the spray gun world, these are the big dogs. SATA is a German company that has been making top-quality spray guns for decades. Maisano's guys use SATA guns for primer and basecoats, so he had a cabinet full of them. In addition, SATA rep Wayne Morrison brought out the newest offering, the SATAjet 4000 B. With a retail price of more than \$800, this isn't a spray gun for the faint of heart, or faint of bank account, for that matter. It has all the latest bells and whistles, not the least of which is its built-in digital pressure regulator. No more guessing at the accuracy of an add-on cheater regulator.

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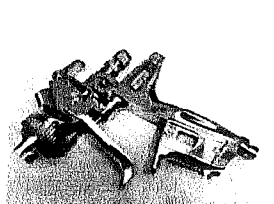
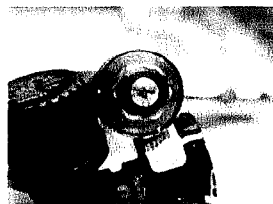
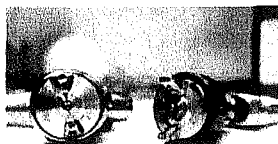
Anest Iwata is a Japanese company that has been around for more than 80 years. The company is well known for its high-quality airbrushes and industrial spray applicators, but lately it has been making inroads in the automotive refinishing market with new, fullsize spray guns. Many pro painters use them for spraying clearcoats, including Maisano's shop, whose guys like the LPH400 for clearcoats. Iwata West Coast reps John Pentecost and Craig Flagtwet brought out a new LPH400 and their brand-new LS400 Supernova. Priced slightly less than the SATA, the Supernova retails for about \$734, but it looks like it should cost more. Styled by Pinninfarina, the Italian design company responsible for some of Ferrari's most beautiful cars, the Supernova looks like no other spray gun out there. It is more than a pretty face, however, as its functional features are on par with the SATA.

#### What Your Money Buys

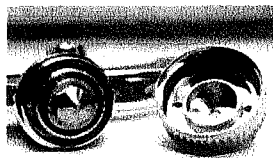
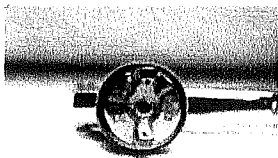
In short: efficiency, consistency, and comfort. These guns are designed for the guy who paints one or more cars a day, five days a week. He has a spray gun in his hand more often than not. It has to be lightweight and ergonomic so as to not strain the hand of the user. It has to be extremely efficient at getting paint from the nozzle to the car with as little overspray as possible, because every molecule of overspray is money wasted, and paint is very expensive, especially if you're using several gallons per day. Finally, it must deliver the same spray pattern every time the painter pulls the trigger. In a high volume shop, you don't have time or material to waste fiddling with the gun in between each coat of paint. Nor do you want customer come-backs. The paint has to go on right the first time.



Iwata



SATA



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By John McGann

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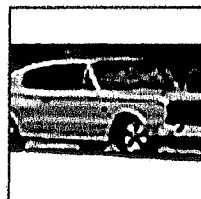
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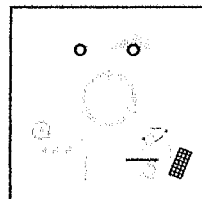
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# Peugeot To Pull Out Of Market In the U.S.

Published: August 7, 1991

**PARIS**— Peugeot SA will stop manufacturing cars for the U.S. market in September, company officials said Tuesday, marking the latest failure of a top European automaker to win over American buyers of midrange automobiles.

A Peugeot spokesman said the withdrawal had been prompted by the failure of the company's 405 model sedan to gain a significant share of the U.S. market.

Last year Peugeot sold just 4,261 cars in the United States, about 70 percent of them 405s, compared with a total of 14,336 in 1986.

Through July, Peugeot sold 2,223 cars, compared with 2,701 in the first seven months of last year.

An offer of free credit earlier this summer apparently failed to have the hoped-for effect of increasing sales.

Peugeot, which turns out both the Peugeot and the Citroën, joins such other European car companies as Renault and Ford's German operation in admitting defeat in the highly competitive midsize segment of the American market.

Peugeot sales in the United States have been dwindling for five years.

The company - Europe's third in sales after Fiat and Volkswagen - had hoped the introduction of the sporty 405 a couple of years ago would give a lift to sales.

The company had planned later to introduce the big brother of the 405, the 605, but a spokesman said Tuesday that Peugeot had now decided not to go ahead.

Peugeot produced 1.4 million cars last year, and both the 405 and 605 have sold well in Europe.

The spokesman blamed the competition between American and Japanese automakers in the U.S. market for the failure of the 405.

"The American market is depressed and in conflict between U.S. and Japanese producers, and all the European automakers are caught in the vise," he said.

Stephen Reitman, automotive analyst at UBS-Phillips & Drew in London, said the 405's pricing had been "high relative to other manufacturers."

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He also observed that Peugeot's dealer network in the United States, after the very modest performance of the previous standard-bearer, the 505, had cooled on the Peugeot make.

"Peugeot was typically a fourth brand, behind a dealer's other European or American makes," he said.

"It was usually relegated to a small, dusty corner of the showroom."

Peugeot has sent a letter informing its 151 American franchisees of the decision.

"We will continue to ship cars that are already in the pipeline, and our dealers still have an inventory of cars to sell," said Kim Derderian, of Peugeot Motors of America Inc. in Lyndhurst, New Jersey.

Ms. Derderian said Peugeot's American operations would continue to supply parts and service for the 60,000 Peugeots she estimated were still on the road in the United States.

See PEUGEOT, Page 11

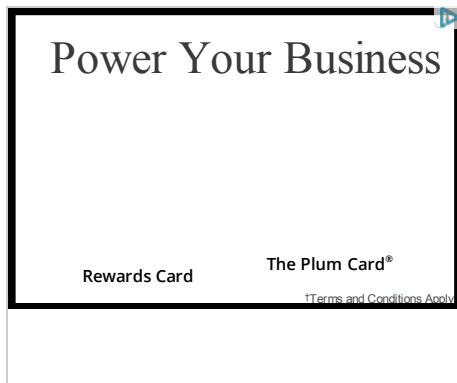
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Q&amp;A

# The Yugo: Worst Car Ever?

By Kayla Webley | Tuesday, Mar. 16, 2010

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What do you call a Yugo with a flat tire? Totaled. What's included in every Yugo owner's manual? A bus schedule. What do you call a Yugo that breaks down after 100 miles? An overachiever.

Americans love to hate the Yugo. It has been included on — and topped — many worst-car lists, including TIME's 50 worst cars of all time. In *The Yugo: The Rise and Fall of the Worst Car in History*, Jason Vuic details why — despite the book's clever title — the Yugo isn't the worst car ever. Vuic explores how this little East European car that couldn't quickly fell from "Yugomania" glory to being one of the most loathed cars of all time.



Nebojsa Raus / AP

A production line for the Yugo in Kragujevac, central Serbia

**The Yugo has been called a hopelessly degenerate hunk of trash and a vile little car. Critics have said it's hard to view on a full stomach. It's easy to start feeling bad for the little guy.**

Oh, sure. I had these memories as a kid in the 1980s of the car being panned by everyone, but I didn't approach this book just to make fun of the car. I like little cars. I really didn't pan the car. I've read a couple reviews that say, "Vuic doesn't lay off the Yugo." But I'm not really calling it anything. I'm trying to examine why Americans have made it such an icon for failure. I wanted to understand why we hate this car so much, even though most Americans have never seen a Yugo, let alone driven one.

**But you deem it the "worst car in history" in the title of your book.**

Absolutely. That is what it is known as to anyone over 35 who has heard of the Yugo. But I actually believe it is not the worst car in history. If a car is marketed in the United States and sold in the United States, that means it passed certain presale standards. [The Yugo] had to pass a safety test, a crash test. It had to pass an emissions test.

**So it is one of the worst cars in American history, but not necessarily in the world's history?**

Americans tend to see America as the world. The Yugo was a bad car in America in the 1980s, but we don't realize that there are many, many cars that never dreamed of coming to America. The Russian Ladas and the Czech Skodas of the world. Just the fact that the Yugo came here meant it was far and away better than many other cars in many other countries.

**But it was very popular in the beginning, right? You reference "Yugomania."**

The summer before it came, you had all this media attention: a \$3,995 car? What's going to happen? It's a communist car — will Americans buy it? The press was just nonstop, and it created a consumer fad. Then there's that segment of American car buyers who truly do want an appliance. They don't want their cars to be status symbols; they just want to drive from point A to point B. And there's always going to be a slice of Americans who want a bargain. So in the fall of 1985, people flocked to buy them.

[\(See the most exciting cars of 2010.\)](#)

**How did the hype ultimately contribute to the Yugo's downfall?**

The Yugo was in part a victim of its own success — what goes up must come down. When everyone lined up to buy the car, *Consumer Reports* reviewed it, and when they panned it, the same press that had created the hype jumped on the bandwagon to say, Look how bad it is.






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And from that negative press sprang numerous bad-car jokes, many of which you feature in your book. Do you have a favorite?

I like the one that goes: Why does the Yugo have a rear-window defroster? So you can keep your hands warm while you push it. These aren't jokes I had a hard time collecting. They're everywhere. But with a lot of these jokes, you could simply [substitute] Pinto or Fiat. There's something about cars that we love to goof on. People love driving high-status cars and love goofing on low-status cars. It shows you the centrality of the automobile in our culture. It is a powerful, powerful object.

[\(See the most important cars of all time.\)](#)

Are there any takeaways from the Yugo story? What do you expect when the Tata Nano hits the U.S. next year?






I'm not bashing Tata; I hope a little car like that goes. But the Nano does have many similarities. One is that they are creating premarket press — it's everywhere. They are creating the preconditions for a mania, and I don't think you should do that — it's not a pair of jeans or an album. They're going to create a mania and then invariably, the press will jump on board. The Nano will shoot up briefly, people will be in line, and then *Consumer Reports* will review it. And it's going to get the reviews you'd expect: it has one windshield wiper, its door panels are glued on from what I've read, it has tires the size of pizzas, its seats are bolted to the floor, O.K.? You're looking at a car that costs \$2,500 and uses dated technology.

It's interesting that you can almost foretell its future.

I want the Nano to succeed. I hope they read my book, because I see so many things happening already that look like it's going to be a disaster. It's going to pass its safety and emissions tests, but it's still going to be dangerous if an SUV hits it. It's going to get walloped in a crash test. And invariably, like what happened with the Yugo, someone is going to die in a crash. The Nano will be in some wreck, and it will turn out that quality was the cause. The press will jump on it, and the whole cycle will start again. But as I said, I'd love to be wrong.

[See the 50 worst cars of all time.](#)

[See the history of the electric car.](#)

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RobertPFrancis

Aug 1, 2013

[@peter.sodja](#) [@RobertPFrancis](#) These are not exaggerations. I bought and owned one. Nothing was dependable, I have actually left out things, sealant around windshield let out some sort of chemical white film the first few months, gas pedal and break pedal covers came off, not even adhered on, battery required water, who the heck had those anyone didn't know to refill battery with water, signal would sped up and slow down, rear lights burned out, black trim exterior paint on bottom washed off, often the car would not turn on and I'd find it dead. Wheels squeaked when making sharp turns, gears got stuck and would grind, logo on horn paint peeled, front logo paint wearing off, dirt roads sent every single vibration rattling and made horrendous noise, it should

have been banned from mild dirt roads, gravel roads actually made the steering wheel shake back and forth violently and the gravel was enough to fight the car to make it impossible to drive down, you could not go past 5 miles per hour on a gravel road you could feel the fight with the road and the gravel actually pushing the car back from moving forward, where the dash met the sidewalls had some sort of weird plastic to cover the gap that you could push in and there was odd glue seeping out, rear compartment floor was not solid and inbetween the slats you could push the floor in, car did have to fight against wind often didn't weigh enough so wind would fight you on the road, tire tread wore fast, floor mats were not standard, radio was not standard, not enough headroom, passengers often hit their heads, windshield glass pitted very easily, carpeting was thin and wearing down and fading while new, rear hatch vibrated while driving didn't latch tight enough, headlights were not bright enough, steering wheel was up to high, seats were not comfortable and left you feeling propped up instead of seated, depressions in the rear for supposed arm rests were non functional, cardboard sidewalls were bent, rain came in through doors, keys lost metallic covering to reveal plastic, wheels were never aligned and always fought each other, family commented that it felt like riding in a toy or go cart, after one trip they refused to ride in it ever again, four passengers put a huge strain on engine and the car didn't have enough power to move four passengers I had to floor the gas pedal. Foam between heating levers tore and bunched between levers making moving the lever difficult, bottom holder supposedly for cassette tapes was non functional not sized to hold more than two or three and was basically useless. shelf on dash in place of glove compartment was useless and nonfunctional. I will think of more and post. Yugo was not even up to par with a used car, materials were cheap, many things did not work properly, it was severely underpowered and began to fall apart very quickly, it soon became a total embarrassment to own one and that's when they disappeared off american roads overnight. I recall when I took it to the dealer for repairs I had to wait in a long line and the entire mechanics bay was full of yugos being worked on, I was there at least every month.

Like Reply



Dexter

Mar 10, 2013

I don't really believe that Yugo was the worst car ever. I pretty much feel that the whole feeling of loathe towards the car was purely biased, Just because the car didn't meet up with the expectation and the fact that it was a foreign car doesn't exactly make it the worst car ever. The Yugo may have been a bad car and a disaster because of certain flaws but think about it the car was ridiculed and treated like an outcast all thanks to the media who were the solely responsible for the bad press. <http://jeffsmbz.com/>

Like Reply



RobertPFrancis

Jan 30, 2013

I had a Yugo GV 1985. It only lasted in decent condition for about a year. It was in the shop constantly, but I thought because it was new maybe a few kinks needed to be worked out and then it would be fine. Not the case. It made it to 20,000 miles, in that time, it had 2 or 3 new clutches, the radio was crap and replaced 3 times. Each radio maybe lasted a month. The speakers cracked and gave out pretty quickly too. The ignition broke at least three times. The stick shift came off in my hand one time, and shifting was painful, could never get it in gear. Dash lights burned out, one set the first week. Upholstery was already fading. There was no glove compartment and no tinted glass. Power was weak especially with four passengers. One time the ignition disengaged from the motor, I was holding the key in my hand and the car was on with no way to turn it off. The gas cap was a serious pain to get off. I had to get gas attendants to help, sometimes we couldn't get it off and I went without gas! Inside door handles and window cranks all snapped off. Rain would come in the door panels. Signal acted funny. Headlights had burned out. It had an outdated battery that required water in its cells. I'd never seen that and so I didn't know it needed water in them! Steering was difficult. I also babied the car, early oil changes, immediate trips for repairs, and followed the schedule of maintenance. I think the door chime went out after a few months. It made a person to be nervous to be in it. I recall taking my family to church in it, when it was brand new, the refused to ride in it ever again. You couldn't trust anything on it and nothing was reliable. Gosh taking it on a dirt road was hell, vibrations like an earthquake, it could not handle even the best dirt road. The paint on the exterior bottom trim was coming off, door hinges that were there to make the door feel heavier broke off, the gas strut on the hatch back to hold up the rear hatch gave out the first few weeks. Hood release came out into your hand but still manged to work, foam seals around the fan controls started to stick and tear and mush in place. It should never have been sold here. It was scary to ride in, unpredictable, and untrustworthy. There should have been thousands of recalls on it. I've never been able to trust cars again. It was embarrassing to own one, it felt like an albatross, you could count on it to fail. Just having it in the parking lot was worrisome. It did not want to be a car and it let you know that fact!..and thats just a little bit of what was wrong.

Like Reply



peter.sodja

May 20, 2013

@RobertPFrancis hehehe lol  
Good one! :)

These exaggerations apart, yugo was a fine car (and the best car to make fun of). In comparison to other cars in that era it was on par with all aspects including reliability, but much cheaper to fix.

1 Like Reply



RobertPFrancis

Aug 1, 2013

@peter.sodja @RobertPFrancis These are not exaggerations. I bought and owned one. Nothing was dependable, I have actually left out things, sealant around windshield let out some sort of chemical white film the first few months, gas pedal and break pedal covers came off, not even adhered on, battery required water, who the heck had those anyone didn't know to refill battery with water, signal would sped up and slow down, rear lights burned out, black trim exterior paint on bottom washed off, often the car would not turn on and I'd find it dead. Wheels squeaked when making sharp turns, gears got stuck and would grind, logo on horn paint peeled, front logo paint wearing off, dirt roads sent every single vibration rattling and made horrendous noise, it should have been banned from mild dirt roads, gravel roads actually made the steering wheel shake back and forth violently and the gravel was enough to fight the car to make it impossible to drive down, you could not go past 5 miles per hour on a gravel road you could feel the fight with the road and the gravel



actually pushing the car back from moving forward, where the dash met the sidewalls had some sort of weird plastic to cover the gap that you could push in and there was odd glue seeping out, rear compartment floor was not solid and inbetween the slats you could push the floor in, car did have to fight against wind often didn't weight enough so wind would fight you on the road, tire tread wore fast, floor mats were not standard, radio was not standard, not enough headroom, passengers often hit their heads, windshield glass pitted very easily, carpeting was thin and wearing down and fading while new, rear hatch vibrated while driving didn't latch tight enough, headlights were not bright enough, steering wheel was up to high, seats were not comfortable and left you feeling propped up instead of seated, depressions in the rear for supposed arm rests were non functional, cardboard sidewalls were bent, rain came in through doors, keys lost metallic covering to reveal plastic, wheels were never aligned and always fought each other, family commented that it felt like riding in a toy or go cart, after one trip they refused to ride in it ever again, four passengers put a huge strain on engine and the car didn't have enough power to move four passengers I had to floor the gas pedal. I will think of more and post.

[Like](#) [Reply](#)



**RobertPFrancis**

Aug 1, 2013

@peter.sodja @RobertPFrancis that is a lie. there was no fixing it. all parts were inferior and non lasting. It was in a constant state of needing repairs. Not one single aspect was reliable, i don't know why you are defending it, it was garbage, crap, and dangerous. We had to leave it on the side of the road one time engine running because we couldn't get it to drive. You obviously weren't sold the Yugos we were sold then, maybe in their own country, but I sincerely believe they were sabotaged, because nothing has or ever will be made this poorly. It was a disgrace to engineering, to automobiles, to human ingenuity and to machines, it was non functional as a reliable car. It was so bad, here I am some 28 years later traumatized by what I experienced and distrusting of cars now. I am scarred for life.

[Like](#) [Reply](#)



**MichaelBarbuto**

Nov 9, 2013

Sounds like you need a therapist Robert. I mean, really, 28 years later and you still have nightmares about a...\$3995.00 Serbian built car?? And "I've never been able to trust cars again"?? Come on man!

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# BUSINESS INSIDER

## Volkswagen is in the midst of a full-blown leadership crisis and it's getting worse all the time



BENJAMIN ZHANG  
APR. 16, 2015, 6:52 PM

Volkswagen is in the midst of a full-blown leadership crisis.

CEO [Martin Winterkorn's future](#) at the company may be in jeopardy after VW Group chairman Ferdinand Piech hinted that the chief executive's contract may not be renewed when it runs out next year.

We don't know how this executive melodrama will play out, we do know that VW's challenges in the US haven't gotten any easier.

In 2014, Volkswagen sold more than [6.1 million cars](#) worldwide, but [fewer than 370,000 of them](#) were in the US.

Currently, VW holds just 1.9% of the US market, which is fine for a luxury marque such as Mercedes (2.1%) or Lexus (2.0%), but discouraging for a major mass market brand. This is especially troubling when compared to Toyota's 12.3% market share or even to Hyundai's 4.4% stake in US market.

So far in 2015, Volkswagen sales have slipped a further 5.2%. That's on top of a 10% drop in sales in 2014.

As Volkswagen Group, now the second-largest automaker in the world, continues to experience worldwide growth, it is troubling that its most prominent mass-market brand is having such a hard time in arguably the most important market in the world.



AP

Martin Winterkorn (center) in a discussion with colleagues.



Here are four major reasons for VW's struggle in the US.

### **High Transaction Costs**

VW sees itself as competing with Toyota and Ford, but consumers don't see them that way, said Alec Gutierrez, senior market analyst at Kelley Blue Book. In the Volkswagen Group family, VW's role is to build mainstream, mass-market transportation while its luxury-oriented siblings like Audi and Bentley build higher priced, fancier models.

But thanks to its European origins and a close association to its corporate siblings, consumers in the US. see VW as a near-luxury product. This means buyers shopping for products like the brand's Passat sedan approach the process differently than they would if they were shopping for a Honda Accord or a Toyota Camry. A Camry or Accord buyer may be willing to part with his money for a bare-bones base model, but VW shoppers want a German luxury product at a discounted price, leading them to load-up on optional goodies.



Volkswagen Passat

As a result, the brand is at the highest point in virtually every segment in which it competes, Gutierrez said. While VW has attempted to make its product more attractive to value shoppers by offering stripped-down models, the typical VW still costs more than its competitors.

According to KBB, the average transaction cost for a Passat sedan in 2014 was \$27,300. The average midsize sedan on the market costs \$25,000, with the Ford Fusion

coming in at \$26,000 and an Accord \$25,200.

Another reason for VW's higher price point is the brand's inclusion of premium technology even in lower-level models. The company chose to include complicated turbocharging systems and advanced DSG automated twin-clutch gearboxes on economy models, while competitors like the Honda Civic, Ford Focus, and Toyota Corolla employ cheaper and more conventional technology. The availability of such options is a boon for consumers, but it prevents VW from competing on price with its less sophisticated competitors.

### **Lack Of A Competitive Compact Crossover**

As 13% of market, the compact crossover SUV is one of the most important and competitive segments in the US. While VW's Tiguan compact crossover is a good car, it is not nearly as affordable or fuel-efficient as segment leaders, such as the Honda CR-V and Toyota RAV4, said Gutierrez.

And the difference in sales is staggering. So far in 2015, Honda has sold 73,000 CR-Vs, Nissan's moved 64,000 Rogues while Ford and Toyota have both shipped more than 67,000 of their Escape and RAV-4 crossovers. Conversely, VW has been able to sell just 5,600 Tiguan's this year — representing just 1.1% of the segment's sales so far this year.

### A History Of Questionable Reliability

For much of the past decade, Volkswagen has been plagued with powertrain reliability issues in the high-volume four- and five-cylinder engines that power Passat, Jettas, and other VW products, [according to Consumer Reports](#).

In the past few years, the automaker has made significant strides in quality and received high marks from reviewers at the publication.



Volkswagen

The 2014 Volkswagen Tiguan.

Still, there seems to be a negative impression that lingers in the minds of mass-market shoppers who place a premium on reliability. This stigma is further enforced by publications like JD Power's 2014 [initial quality](#) and 2015 [vehicle dependability](#) surveys, where VW scored below industry average in both.

### A Crowded Marketplace

The final factor for Volkswagen's slipping sales is a marketplace that is growing more and more crowded with competitive products. A decade ago, VW's mass-market products only had to contend with challengers from the major Japanese manufacturers and a couple of domestic products like the Ford Focus. In the decade since, the market has changed significantly.

Not only are the Japanese brands still riding high; Volkswagen must now also compete with Hyundai and Kia from Korea, and a major resurgence from Detroit's Big 3. Although auto sales are expected to top 17 million cars in 2015, in light of this increased competition, Volkswagen's product mix may not allow the brand to take advantage of the hot market.

### How Volkswagen Can Come Back

The potential fixes are many, but one thing the brand can do is simply embrace the image their consumers already have of them, says Gutierrez.

Instead of forcing their way into the mass-market segment, VW could change course and become a near-luxury manufacturer.

This may be difficult and risky for Volkswagen, because moving into a higher price point could potentially cannibalize [sales of Audi's A3](#) and A4 models, which sell for between \$35,000 and \$45,000. And a move up market would risk the brand becoming reduced to a niche luxury manufacturer, which does not





Audi

Audi A3

mesh with VW's already successful global presence as a major mass-market brand. It remains to be seen how the company will try to change its image — and sales figures — in the US.

**NOW WATCH: [Here's the McLaren 570S — the newest challenge to Ferrari and Lamborghini](#)**

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EUR-3217H	1.7 mm	EUR-3217HN	1.7 mm Set
EUR-3219H	1.9 mm	EUR-3219HN	1.9 mm Set
EUR-3221H	2.1 mm	EUR-3221HN	2.1 mm Set
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 Air Consumption : 240 l/min      Air Pressure : 15 – 28 PSI  
 Cup Capacity : 1000 c.c.      Air Inlet : 1/4" NPS Fluid Inlet M16x1.5P

Model	Orifice	NOZZLE , NEEDLE KIT	
EUR-3213M	1.3 mm	EUR-3213MN	1.3 mm Set
EUR-3214M	1.4 mm	EUR-3214MN	1.4 mm Set
EUR-3217M	1.7 mm	EUR-3217MN	1.7 mm Set
EUR-3219M	1.9 mm	EUR-3219MN	1.9 mm Set
EUR-3221M	2.1 mm	EUR-3221MN	2.1 mm Set
EUR-3225M	2.5 mm	EUR-3225MN	2.5 mm Set

★EUR-3201M REPAIR KIT



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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SATA GmbH & Co. KG	)	
	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91/210813
	)	

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**APPLICANT'S MIKE GHORBANI'S SECOND SET OF INTERROGATORIES TO  
OPPOSER**

Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120), Trademark Trial and Appeal Board Manual of Procedure § 406, and Federal Rule of Civil Procedure 33, Applicant Mike Ghorbani requests that Opposer SATA GmbH & Co. KG ("Sata") answer the following Interrogatories separately and fully, in writing, under oath within thirty (30) days after date of service.

For the purpose of these Interrogatories, the following definitions and instructions shall apply:

**DEFINITIONS**

1. The term "you," and "your" refer to Opposer and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.

6. The term "person" means any natural person or any business, legal or

govern mental entity, or association.

7. The term “document” as used herein is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34, any “writings and recordings” and “photographs” as defined by Federal Rule of Evidence 1001, and its interpretation by the courts, and includes, without limitation, all originals, drafts, and non-identical copies of any written, printed, typed, recorded, electronic, magnetic, optical, punched, copied, graphic or other tangible thing in, upon or from which information may be conveyed, embodied, translated, or stored (including, but not limited to, papers, records, books, correspondence, contracts, minutes of meetings, memoranda, notes on desk calendars and appointment books, intra-office communications, canceled checks, invoices, telegrams, telexes, dictation or other audio tapes, video tapes, studies, electronic mail, information stored in computer readable form, on a compact disc, or any other type of data storage device or medium, computer printouts, microfilm, microfiche, laser disks, diaries, calendars, photographs, charts, viewgraphs, drawings, sketches and all other writings or drafts thereof), as well as all other tangible things subject to production under Federal Rule of Civil Procedure 34.

8. The term “identify,” when referring to:

- a. a natural person, means to give his or her full name, present or last address and telephone number, last known place of employment and job title;
- b. a public or private corporation, partnership, association, agency or other entity, means to give its present or last known address and telephone number, and state of incorporation, if applicable;



c. a document, means to state its general character, title, date, addressee or recipient, author or signatory, present location, and who has possession, custody or control of the document, provided, however, that answers to interrogatories requesting identifications or descriptions of certain communications or documents may be satisfied by attaching a true and correct copy of any written documents, as described herein, containing the requested information;

d. a product, means to provide a description of the item which is offered for sale, and the intended market for the product;

9. The term “communication” is defined as any transmission or exchange of information between two (2) or more persons, orally or in writing, and includes, without limitation, any conversation or discussion, whether face-to-face or by means of telephone, letter, facsimile, electronic or other media.

10. The terms “relating to” and “related to” mean, without limitation, concerning, containing, evidencing, describing, constituting, referring to, explaining, discussing or reflecting.

11. The use of a present tense shall include past tenses.

12. The use of the singular form of any word also includes the plural and vice versa.

13. The terms “all” and “each” shall each be construed to include the other.

### **INSTRUCTIONS**

1. In answering these Interrogatories, furnish all information, including information contained in or on any document, that is known or available to you, including all information in the possession of your attorneys or other persons acting on your behalf or under your attorneys’ employment or direction.

2. If you cannot answer any interrogatory fully and completely after exercising due diligence to make inquiries and secure information necessary to do so, so state, and answer each such interrogatory to the full extent you deem possible; specify the portion of such interrogatory that you claim you are unable to answer fully and completely; state the facts on which you rely to support your contention that you are unable to answer such interrogatory fully and completely; and state what knowledge, information and/or belief you have concerning the unanswered portion of each such interrogatory.
3. If there is any item of information that you refuse to disclose on grounds of privilege or work-product immunity, answer so much of the interrogatory as does not request information for which you claim privilege, state the nature of the privilege you claim, and provide sufficient details, including the nature of the information, its source, its subject matter, and the names of all persons to whom that information was disclosed, such as would enable the claim of privilege or immunity to be adjudicated.
4. If the response to any interrogatory consists, in whole or in part, of an objection relating to burdensomeness, then with respect to such response:
  - a. Provide such information as can be ascertained without undue burden;
  - b. State with particularity the basis for such objection including:
    - i. a description of the process or method required to obtain any fact responsive to the interrogatory; and
    - ii. the estimated cost and time required to obtain any fact responsive to the interrogatory.
5. These interrogatories are continuing and require further answer and supplementation, as provided by Federal Rule of Civil Procedure 26(e).



## **INTERROGATORIES**

Consistent with the foregoing definitions and instructions, please answer the following interrogatories:

### **INTERROGATORY NO. 24:**

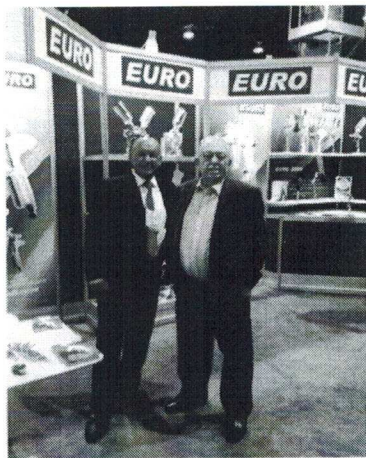
Do you contend that consumers would believe the quality of tools produced in Germany and Greece are the same? If your answer is yes, please explain.

### **INTERROGATORY NO. 25:**

Do you contend that consumers would believe the quality of tools produced in Germany and Bulgaria are the same? If your answer is yes, please explain.

### **INTERROGATORY NO. 26:**

Identify the Sata employee in document MGD 000074, state his position at Sata, and explain his purpose for visiting Mike Ghorbani.



### **INTERROGATORY NO. 27:**

For the following products:

SATAjet 100 B F HVLP  
SATAjet 100 B F RP  
SATAjet 1000 B HVLP  
SATAjet 1000 B RP

describe the made in label (e.g. made, in Germany, made in Europe) on the product and its packaging. Identify documents having such label.

**INTERROGATORY NO. 28:**

For the following products:

SATAjet 100 B F HVLP  
SATAjet 100 B F RP  
SATAjet 1000 B HVLP  
SATAjet 1000 B RP

State the reason as to why the Opposer labels these products as made in Germany when according to your response to Interrogatory 19 some of their parts are manufactured in European countries other than Germany.



Payam Moradian  
Moradian Law  
Attorney for Mike Ghorbani  
10880 Wilshire Blvd, Suite 1101  
Los Angeles, CA 90024  
p@moradianlaw.com  
917-353-1919

June 25, 2014



# **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been duly served on June 25, 2014 by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854

By: /Payam Moradian/  
Payam Moradian

SATA GmbH & Co. KG

V.  
Mike Ghorbani

Mark: EURO & Design

Serial No.: 85/712789

Opposition No. 91210813

Do you contend that consumers would believe the quality of tools produced in Germany and Bulgaria are the same? If your answer is yes, please explain.



**Answer:**

Opposer objects to the interrogatory as being vague and indefinite based upon Applicant's failure to specify what tools, or even what type of tools, are being referred to.

**INTERROGATORY 26:**

Identify the Sata employee in document MGD 000074, state his position at Sata, and explain his purpose for visiting Mike Ghorbani.

**Answer:**

Opposer objects to this interrogatory as being irrelevant to any issue in this case. Moreover, Opposer at this juncture cannot concede the predicate upon which Applicant's inquiry is based, specifically, that the individual shown is a SATA employee. Should Applicant establish the relevance of this inquiry, Opposer will resume its investigation and subsequently supplement its answer.

**INTERROGATORY 27:**

For the following products:

SATAjet 100 B F HVLP  
SATAjet 100 B F RP  
SATAjet 1000 B HVLP  
SATAjet 1000 B RP

describe the made in label (e.g. made, in Germany, made in Europe) on the product and its packaging. Identify documents having such label.

**Answer:**

Opposer objects to this interrogatory as not being understandable as written. Applicant is invited to clarify what it seeks as to a description of a label.

---

**INTERROGATORY 28**


For the following products:

SATAjet 100 B F HVLP  
SATAjet 100 B F RP  
SATAjet 1000 B HVLP  
SATAjet 1000 B RP

State the reason as to why the Opposer labels these products as made in Germany when according to your response to Interrogatory 19 some of their parts are manufactured in European countries other than Germany.

**Answer:**

Opposer objects to this interrogatory as seeking a distinction, if any, that is irrelevant to this proceeding. Notwithstanding this objection, Opposer labels these products as made in Germany because they are made in Germany.

  
SATA GmbH & Co. KG

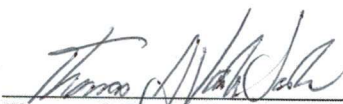
Date: December 19, 2014

By: Albrecht Kruse

Title: General Manager

As to objections:

Date: 12/19/14

  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
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10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

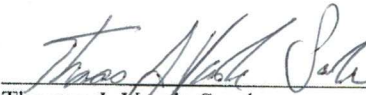


**CERTIFICATE OF SERVICE**

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S ANSWER AND OBJECTIONS TO APPLICANT'S SECOND SET OF INTERROGATORIES" was this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire  
Moradian Law  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024

Date: 12/15/14

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

---

SATA GmbH & Co. KG	)	
	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91/210813
	)	
Applicant	)	

---

**APPLICANT'S MIKE GHORBANI SECOND REQUEST FOR THE PRODUCTION OF  
DOCUMENTS AND THINGS**

Applicant Mike Ghorbani requests that Opposer SATA GmbH & Co. KG ("Sata") produce the following documents and things within thirty (30) days after date of service.

The Definitions and Instructions set forth in Applicant's First Set of Interrogatories to Applicant are incorporated herein by reference.

**REQUESTS**

Consistent with the foregoing definitions and instructions, please answer the following interrogatories:

**Request No. 22**

All advertising and labeling regarding the geographic origin of manufacture of the following products:



- 1.) SATAjet 100 B F HVLP
- 2.) SATAjet 100 B F RP
- 3.) SATAjet 1000 B HVLP
- 4.) SATAjet 1000 B RP

Request No. 23

A sample of each of these products:

- 1.) SATAjet 100 B F HVLP
- 2.) SATAjet 100 B F RP
- 3.) SATAjet 1000 B HVLP
- 4.) SATAjet 1000 B RP

Request No. 24

All documents relevant to where each component of the following products is manufactured:

- 1.) SATAjet 100 B F HVLP
- 2.) SATAjet 100 B F RP
- 3.) SATAjet 1000 B HVLP
- 4.) SATAjet 1000 B RP

Moradian Law  
Payam Moradian

/Payam Moradian/

June 25, 2013

Attorney for Mike Ghorbani  
10880 Wilshire Blvd, Suite 1101  
Los Angeles, CA 90077  
p@moradianlaw.com  
917-353-1919

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been duly served on June 25, 2014 by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854

By: /Payam Moradian/  
Payam Moradian



SATA GmbH & Co. KG		)	
	Opposer	)	Mark: EURO & Design
v.		)	Serial No.: 85/712789
Mike Ghorbani		)	Opposition No. 91210813
	Applicant	)	

**REQUEST 22:**

- 1) SATAjet 100 B F HVLP
- 2) SATAjet 100 B F RP
- 3) SATAjet 1000 B HVLP
- 4) SATAjet 1000 B RP

Opposer objects to this document request as overly broad and unduly burdensome in requesting “all” advertising and labeling. Opposer also objects to this request as being repetitious of Requests 19 and 21. Finally, representative documentation of the type requested is being produced in accordance with the Board’s November 21, 2014 decision through Opposer’s supplementation of its Responses to Requests 4 and 15.

**REQUEST 23:**

A sample of each of these products:

- 1) SATAjet 100 B F HVLP
- 2) SATAjet 100 B F RP
- 3) SATAjet 1000 B HVLP
- 4) SATAjet 1000 B RP

**Response:**

Representative photographs of each identified product are being produced in accordance with the Board's November 21, 2014 decision through supplementation of Opposer's Response to Request No. 4. See also S 0784 – S 0787 produced herewith.

**REQUEST 24:**

All documents relevant to where each component of the following products is manufactured:

- 1) SATAjet 100 B F HVLP
- 2) SATAjet 100 B F RP
- 3) SATAjet 1000 B HVLP
- 4) SATAjet 1000 B RP

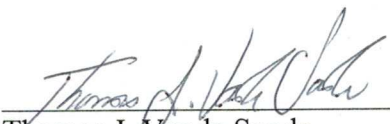
**Response:**

Opposer objects to this request as being overly broad and unduly burdensome requesting as it does all documents of the type specified. Notwithstanding this objection, related information and documentation is being provided pursuant to the Board's November 21, 2014 decision as such pertains to Opposer's supplemental answer to Interrogatory 19 and Opposer's Response to Document Request 15.



Respectfully submitted,

Date: 12/19/14

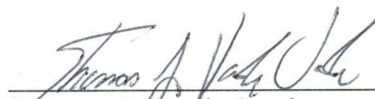
  
\_\_\_\_\_  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

**CERTIFICATE OF SERVICE**

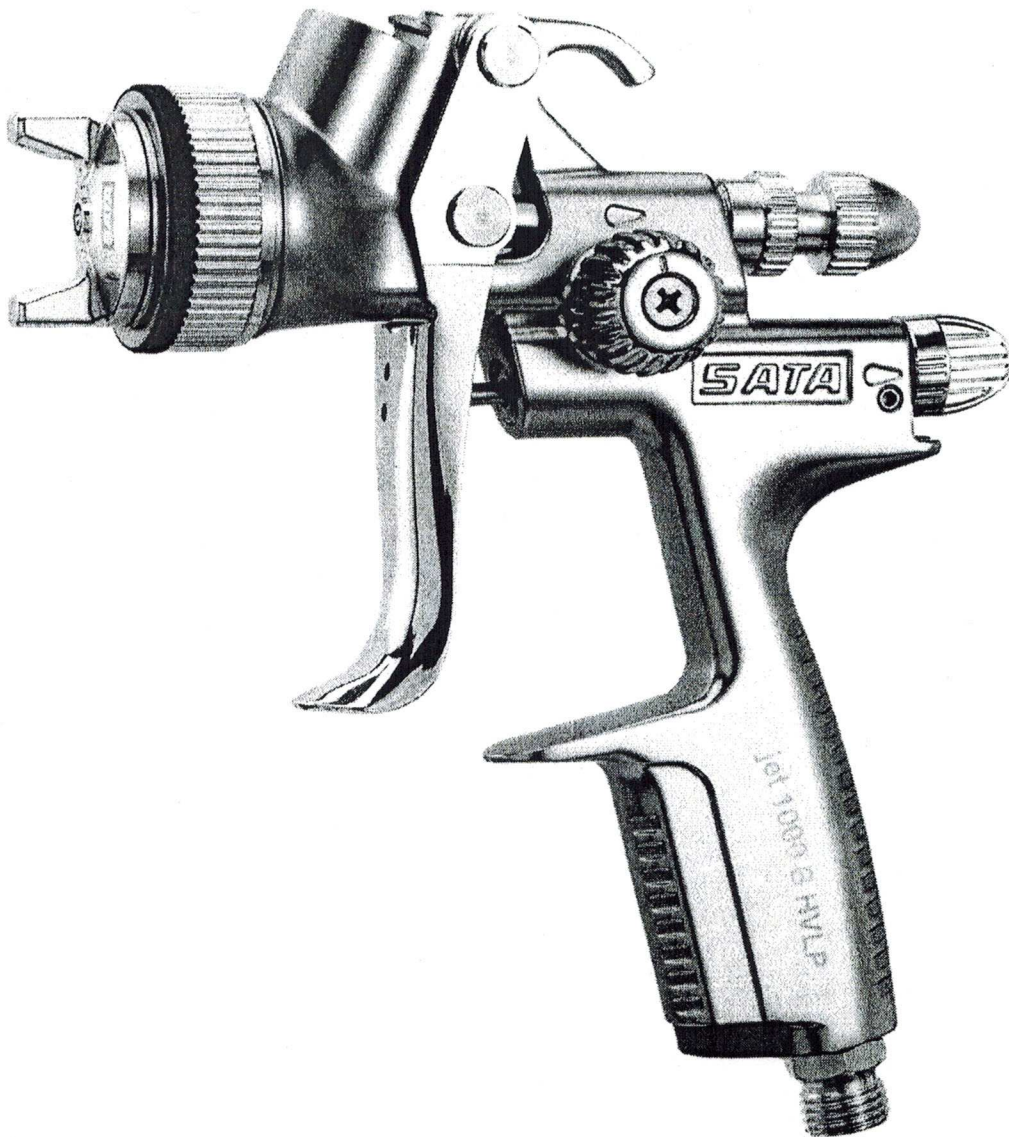
The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S RESPONSES APPLICANT'S SECOND SET OF DOCUMENT REQUESTS" and documents bearing production numbers S 0784 – S 0787 were this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire  
Moradian Law  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024

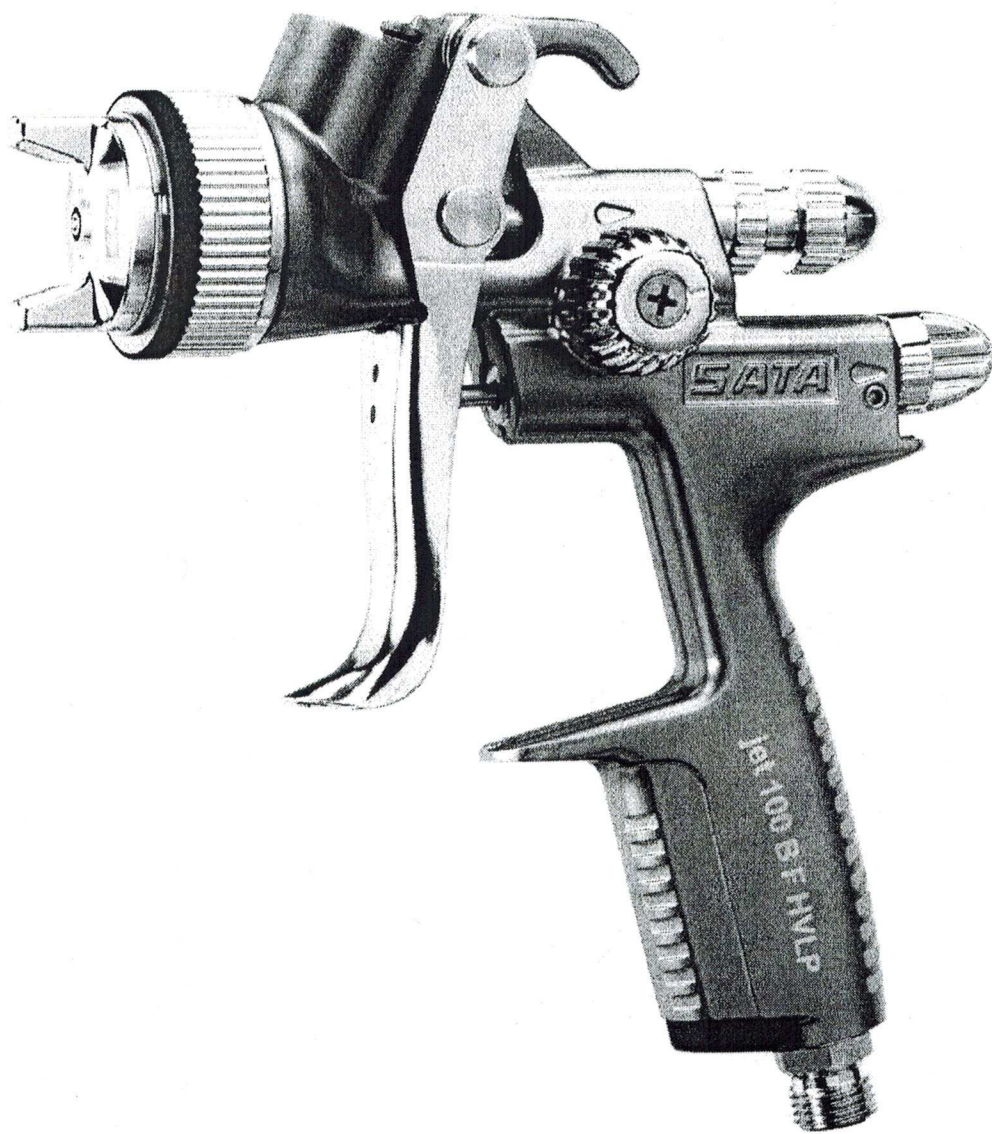
Date: 12/19/14

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500





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© SATA Corporation, Inc. 2014. This image shows standard equipment and options.



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

---

SATA GmbH & Co. KG	)	
	)	Mark: EURO & Design
v.	)	Serial No.: 85/712789
Mike Ghorbani	)	Opposition No. 91/210813
	)	
Applicant	)	

---

**APPLICANT'S REQUESTS FOR ADMISSION**

Pursuant to Trademark Rule of Practice 2.120 (37 U.S.C. § 2.120). Trademark Trial and Appeal Board Manual of Procedure § 410, and Federal Rule of Civil Procedure 36, Applicant requests that Opposer admit the truth of the Requests for Admissions set forth below within thirty (30) days after service of this Request.

For the purpose of this Request, the following definitions and instructions shall apply.

**DEFINITIONS**

1. The terms "Sata," "you," and "your" refer to Opposer and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.
2. The use of the singular form of any word also includes the plural and vice versa.
3. The use of a present tense shall include past tenses.

4. The terms “all” and “each” shall each be construed to include the other.

### **INSTRUCTIONS**

1. Your written response to this request must comply with Rule 36 of the Federal Rule of Civil Procedure, in that if you do not admit each matter, you must separately respond under oath to each request within thirty (30) days of the service of this request by:

(a) Admitting so much of the matter involved in the request as is true, either as expressed in the request itself or as reasonably and clearly qualified by you;

(b) By denying so much of the matter involved in the request as is untrue; and

(c) Specifying so much of the matter involved in the request as to the truth of which the responding party lacks sufficient information or knowledge.

2. If your response to a particular request is that you lack information or knowledge as a reason for failure to admit all or part of a request for admission, then you shall state in the answer that a reasonable inquiry concerning the matter in the particular request has been made, and that the information known or readily obtainable is insufficient to enable you to admit that matter.

3. If your response is that only part of a request for admission is objectionable, the remainder of the request shall be answered.

4. If an objection is made to a request or to a part of a request, the specific ground for the objection shall be set forth clearly in the response.

5. These requests for admission are continuing and require further answer and supplementation, as provided by Federal Rule of Civil Procedure 26(e).



## **REQUEST FOR ADMISSIONS**

### **REQUEST FOR ADMISSION NO. 1**

Admit that the Opposer produced no expert in this proceeding.

### **REQUEST FOR ADMISSION NO. 2**

Admit that all documents produced by the Opposer in discovery are genuine and authenticate copies of the originals of those documents.

### **REQUEST FOR ADMISSION NO. 3**

Admit that documents S0480-S0481 are the only evidence produced by the Opposer that support the Opposer's position that its spray guns are of superior quality to those of the Applicant. (If the Opposer denies this admission, the Opposer should cite to Bates numbers of such documents).

### **REQUEST FOR ADMISSION NO. 4**

Admit that the Opposer has not produced a single document showing a consumer believed that the Applicant's goods originated from Europe. (If the Opposer denies this admission, the Opposer should cite to Bates numbers of such documents).

### **REQUEST FOR ADMISSION NO. 5**

Admit that the following countries are in Europe: Albania, Andorra, Austria, Belarus, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kosovo, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands,

Norway, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, and United Kingdom.

**REQUEST FOR ADMISSION NO. 6**

Admit that consumers are likely to believe that tools made in Germany would have different qualities than tools made in Greece.

**REQUEST FOR ADMISSION NO. 7**

Admit that consumers are likely to believe that tools made in Germany would have different qualities than tools made in Bulgaria.

**REQUEST FOR ADMISSION NO. 8**

Admit that consumers are likely to believe that tools made in Germany would have different qualities than tools made in Kosovo.

**REQUEST FOR ADMISSION NO. 9**

Admit that consumers are likely to believe that tools made in Germany would have different qualities than tools made in Belarus.

**REQUEST FOR ADMISSION NO. 10**

Admit that Euro is a unit of currency.

**REQUEST FOR ADMISSION NO. 11**



Admit that the Opposer has **not** produced a single document showing that the Applicant's goods are manufactured or designed in Europe. (If the Opposer denies this admission, the Opposer should cite to Bates numbers of such documents).

**REQUEST FOR ADMISSION NO. 12**

Admit that the Opposer has **not** produced a single document where its goods are designated with "Made in Europe" or "European Engineered."

**REQUEST FOR ADMISSION NO. 13**

Admit that the Opposer labels the following products and/or their packaging:

**SATAjet 100 B F HVLP**  
**SATAjet 100 B F RP**  
**SATAjet 1000 B HVLP**  
**SATAjet 1000 B RP**

with "Made in Germany" or "German engineered."

**REQUEST FOR ADMISSION NO. 14**

Admit that paint spray guns are manufactured by parties not related to the Opposer or the Applicant in Japan.

**REQUEST FOR ADMISSION NO. 15**

Admit that paint spray guns are manufactured by parties not related to the Opposer or the Applicant in U.S.A.

#### **REQUEST FOR ADMISSION NO. 16**

Admit that a number of countries in Europe are not perceived by consumers as a location for manufacture of paint spray guns.

#### **REQUEST FOR ADMISSION NO. 17**

Admit that Kosovo is not perceived by consumers as a location for manufacture of paint spray guns.

#### **REQUEST FOR ADMISSION NO. 18**

Admit that Belarus is not perceived by consumers as a location for manufacture of paint spray guns.

#### **REQUEST FOR ADMISSION NO. 19**

Admit that at least one component of one or more of the spray guns:

**SATAjet 100 B F HVLP**  
**SATAjet 100 B F RP**  
**SATAjet 1000 B HVLP**  
**SATAjet 1000 B RP**

are manufactured in Europe outside of Germany.





Payam Moradian

Moradian Law

Attorney for Mike Ghorbani

10880 Wilshire Blvd, Suite 1101

Los Angeles, CA 90024

p@moradianlaw.com

917-353-1919

June 25, 2014

# **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been duly served on June 25, 2014 by E-mail and by depositing such copy with the US Postal Service, in an envelope addressed to:

Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
10220 River Road, Suite 200  
Potomac, MD 20854

By: /Payam Moradian/  
Payam Moradian



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

-----  
SATA GmbH & Co. KG

Opposer

v.  
Mike Ghorbani

Applicant  
-----

)  
)  
) Mark: EURO & Design

) Serial No.: 85/712789

) Opposition No. 91210813  
)  
)

**OPPOSER SATA GMBH & CO. KG'S RESPONSES  
TO APPLICANT'S REQUESTS FOR ADMISSIONS**

**REQUEST FOR ADMISSION NO. 1**

Admit that the Opposer produced no expert in this proceeding.

**Response:**

Opposer admits that it has not designated an expert in Opposition No. 91210813.

**REQUEST FOR ADMISSION NO. 2**

Admit that all documents produced by the Opposer in discovery are genuine and authenticate copies of the originals of those documents.

**Response:**

Admitted.

**REQUEST FOR ADMISSION NO. 3**

---

Admit that documents S0480-S0481 are the only evidence produced by the Opposer that support the Opposer's position that its spray guns are of superior quality to those of Applicant. (If the Opposer denies this admission, the Opposer should cite to Bates numbers of such documents).

**Response:**

Denied. See those documents produced by Opposer bearing production numbers S0551 - S0612 in addition to all documents produced mentioning SATA.

**REQUEST FOR ADMISSION NO. 4**

Admit that the Opposer has not produced a single document showing a consumer believed that the Applicant's goods originated from Europe. (If the Opposer denies this admission, the Opposer should cite to Bates numbers of such documents).

**Response:**

Denied. Moreover, documents produced in discovery evidence the fact that the purchasing public is routinely exposed to the fact that European paint spray guns are understood to be superior to others, including Applicant's.

**REQUEST FOR ADMISSION NO. 5**

Admit that the following countries are in Europe: Albania, Andorra, Austria, Belarus, Belgium, Bosnia & Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Kosovo, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine, and United Kingdom.

**Response:**

Admitted.



**REQUEST FOR ADMISSION NO. 6**

Admit that consumers are likely to believe that tools made in Germany would have different qualities than tools made in Greece.

**Response:**

Opposer objects to this request because it has no idea what Applicant's reference to "tools" is intended to encompass nor what consumers are likely to believe concerning "tools" made in Greece. Moreover, Applicant's mark includes neither "Germany" nor "Greece."

**REQUEST FOR ADMISSION NO. 7**

Admit that consumers are likely to believe that tools made in Germany would have different qualities than tools made in Bulgaria.

**Response:**

Opposer objects to this request because it has no idea what Applicant's reference to "tools" is intended to encompass nor what consumers are likely to believe concerning "tools" made in Bulgaria. Moreover, Applicant's mark includes neither "Germany" nor "Bulgaria."

**REQUEST FOR ADMISSION NO. 8**

Admit that consumers are likely to believe that tools made in Germany would have different qualities than tools made in Kosovo.

**Response:**

Opposer objects to this request because it has no idea what Applicant's reference to "tools" is intended to encompass nor what consumers are likely to believe concerning "tools" made in Kosovo. Moreover, Applicant's mark includes neither "Germany" nor "Kosovo."

---

**REQUEST FOR ADMISSION NO. 9**

Admit that consumers are likely to believe that tools made in Germany would have different qualities than tools made in Belarus.

**Response:**

Opposer objects to this request because it has no idea what Applicant's reference to "tools" is intended to encompass nor what consumers are likely to believe concerning "tools" made in Belarus. Moreover, Applicant's mark includes neither "Germany" nor "Belarus."

**REQUEST FOR ADMISSION NO. 10**

Admit that Euro is a unit of currency.

**Response:**

Denied. "The euro" is a unit of currency. "Euro" is a designation for "Europe, European." In the dictionary, euro, with a lower case "e", is defined as a unit of currency. Euro, with a capital "E", is listed as the definition for preface of "Europe, European."

**REQUEST FOR ADMISSION NO. 11**

Admit that the Opposer has not produced a single document showing that the Applicant's goods are manufactured or designed in Europe. (If the Opposer denies the admission, the Opposer should cite to Bates numbers of such documents).

**Response:**

Admitted.

**REQUEST FOR ADMISSION NO. 12**

Admit that the Opposer has not produced a single document where it goods are designated with  
"Made in Europe" or "European Engineered."



**Response:**

Admitted. It is universally acknowledged that SATA goods are manufactured and designed in Europe.

**REQUEST FOR ADMISSION NO. 13**

Admit that the Opposer labels the following products and/or their packaging:

SATAjet 100 B F HVLP  
SATAjet 100 B F RP  
SATAjet 1000 B HVLP  
SATAjet 1000 B RP

with “Made in Germany” or “German engineered.”

**Response:**

Admitted as to “Made in Germany”. Denied as to “German engineered” as the language used is “German Engineering.” It is common knowledge that Germany is a European country.

**REQUEST FOR ADMISSION 14**

Admit that paint spray guns are manufactured by parties not related to the Opposer or the Applicant in Japan.

**Response:**

Opposer objects to this request as not being understandable as written depriving Opposer of the ability to either admit or deny.

**REQUEST FOR ADMISSION 15**

Admit that paint spray guns are manufactured by parties not related to the Opposer or the Applicant in U.S.A.

---

**Response:**

Opposer objects to this request as not being understandable as written depriving Opposer of the ability to either admit or deny.

#### **REQUEST FOR ADMISSION 16**

Admit that a number of countries in Europe are not perceived by consumers as a location for manufacture of paint spray guns.

#### **Response:**

Opposer objects to the request as being vague, as it fails to specify any particular "number" of countries.

#### **REQUEST FOR ADMISSION 17**

Admit that Kosovo is not perceived by consumers as a location for manufacture of paint spray guns.

#### **Response:**

Admitted.

#### **REQUEST FOR ADMISSION 18**

Admit that Belarus is not perceived by consumers as a location for manufacture of paint spray guns.

#### **Response:**

Admitted.

#### **REQUEST FOR ADMISSION 19**

Admit that at least one component of one or more of the spray guns:

SATAjet 100 B F HVLP

SATAjet 100 B F RP

SATAjet 1000 B HVLP

SATAjet 1000 B RP

---

are manufactured in Europe outside of Germany.



**Response:**

Admitted.

  
SATA GmbH & Co. KG

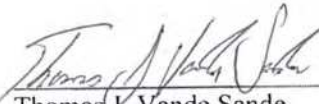
Date: December 19, 2014

By: Aebrecht Kruse

Title: General Manager

As to objections:

Date: 12/19/14

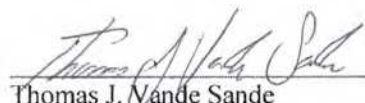
  
Thomas J. Vande Sande  
Hall & Vande Sande, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
Phone: (301) 983-2500

**CERTIFICATE OF SERVICE**

The undersigned, Thomas J. Vande Sande, attorney for Opposer, hereby certifies that one (1) copy of the foregoing "OPPOSER SATA GMBH & CO. KG'S RESPONSES TO APPLICANT'S REQUESTS FOR ADMISSION" was this day served on Applicant by mailing same, first class mail, to:

Payam Moradian, Esquire  
Moradian Law  
10880 Wilshire Blvd., Suite 1101  
Los Angeles, California 90024

Date: 12/19/14

  
\_\_\_\_\_  
Thomas J. Vande Sande  
HALL & VANDE SANDE, LLC  
Attorneys for Opposer  
10220 River Road, Suite 200  
Potomac, Maryland 20854  
(301) 983-2500